

**1987**  
**SESSION LAWS**  
OF THE  
**STATE OF WASHINGTON**

**REGULAR SESSION**  
**FIFTIETH LEGISLATURE**  
Convened January 12, 1987. Adjourned April 26, 1987.  
**1st EXTRAORDINARY SESSION**  
**FIFTIETH LEGISLATURE**  
Convened April 27, 1987. Adjourned May 21, 1987.



Published at Olympia by the Statute Law Committee pursuant to Chapter 6, Laws of 1969.

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Code Reviser

## WASHINGTON SESSION LAWS GENERAL INFORMATION

### 1. EDITIONS AVAILABLE.

- (a) *General Information.* The session laws are printed successively in two editions:
- (i) a temporary pamphlet edition consisting of a series of one or more paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
  - (ii) a permanent bound edition containing the accumulation of all laws adopted in the legislative session. Both editions contain a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition — where and how obtained — price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98504 at \$5.39 per set (\$5.00 plus \$.39 for state and local sales tax of 7.8%). All orders must be accompanied by payment.
- (c) *Permanent bound edition — when and how obtained — price.* The permanent bound edition of the 1987 session laws may be ordered from the State Law Librarian, Temple of Justice, Olympia, Washington 98504 at \$21.56 per volume (\$20.00 plus \$1.56 for state and local sales tax of 7.8%). All orders must be accompanied by payment.

### 2. PRINTING STYLE — INDICATION OF NEW OR DELETED MATTER

Both editions of the session laws present the laws in the form in which they were adopted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

- (a) In amendatory sections
  - (i) underlined matter is new matter.
  - (ii) ~~deleted matter is ((lined out and bracketed between double parentheses)).~~
- (b) Complete new sections are prefaced by the words NEW SECTION.

### 3. PARTIAL VETOES

- (a) Vetoed matter is *printed in italics*.
- (b) Pertinent excerpts of the governor's explanation of partial vetoes are printed at the end of the chapter concerned.

### 4. EDITORIAL CORRECTIONS.

Words and clauses inserted in the session laws pursuant to the authority of RCW 44.20.060 are enclosed in brackets [brackets].

### 5. EFFECTIVE DATE OF LAWS

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 1987 regular session to be July 26, 1987 (midnight July 25). The pertinent date for the Laws of 1987 1st Extraordinary Session is August 20, 1987 (midnight August 19).
- (b) Laws which carry an emergency clause take effect immediately upon approval by the Governor.
- (c) Laws which prescribe an effective date, take effect upon that date.

### 6. INDEX AND TABLES

A cumulative index and tables of all 1987 laws may be found at the back of the final pamphlet edition and the permanent bound edition.

# **VOLUME 2**

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## CHAPTER 385

[Substitute Senate Bill No. 5181]

DONATION RECEPTACLES OF CHARITABLE ORGANIZATIONS—UNLAWFUL  
TO DISPOSE OF TRASH IN RECEPTACLE

AN ACT Relating to donation receptacles for charitable organizations; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. A new section is added to chapter 9.91 RCW to read as follows:

(1) It is unlawful for any person to throw, drop, deposit, discard, or otherwise dispose of any trash, including, but not limited to items that have deteriorated to the extent that they are no longer of monetary value or of use for the purpose they were intended; garbage, including any organic matter; or litter, in or around a receptacle provided by a charitable organization, as defined in RCW 19.09.020(2), for the donation of clothing, property, or other thing of monetary value to be used for the charitable purposes of such organization.

(2) Charitable organizations must post a clearly visible notice on the donation receptacles warning of the existence and content of this section and the penalties for violation of its provisions, as well as a general identification of the items which are appropriate to be deposited in the receptacle.

(3) Any person violating the provisions of this section shall be guilty of a misdemeanor, and the fine for such violation shall be not less than fifty dollars for each offense.

(4) Nothing in this section shall preclude a charitable organization which maintains the receptacle from pursuing a civil action and seeking whatever damages were sustained by reason of the violation of the provisions of this section. For a second or subsequent violation of this section, such person shall be liable for treble the amount of damages done by the person, but in no event less than two hundred dollars, and such damages may be recovered in a civil action before any district court judge.

**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.

Passed the Senate April 21, 1987.

Passed the House April 17, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

## CHAPTER 386

[Substitute House Bill No. 1158]

## DUTY FREE EXPORTERS—CLASS S LIQUOR LICENSES—SALE OF NONLIQUOR PRODUCTS BY LICENSEES—FORTIFIED WINE SALES RESTRICTED

AN ACT Relating to liquor licenses; 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.

Be it enacted by the Legislature of the State of Washington:

**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.

Passed the House April 25, 1987.

Passed the Senate April 25, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

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CHAPTER 387

[House Bill No. 91]

PRODUCTIVITY BOARD—MEMBERSHIP, DUTIES, AND SCOPE REVISED—  
TEAMWORK INCENTIVE PAY PROGRAM

AN ACT Relating to state employees' suggestion awards and teamwork incentive programs; amending RCW 41.60.010, 41.60.015, 41.60.041, 41.60.050, 41.60.100, 41.60.110, and 41.60.120; adding a new section to chapter 41.60 RCW; creating a new section; repealing RCW 43.131.255; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

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 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.

(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 benefitting 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.

Passed the House April 21, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

## CHAPTER 388

[Engrossed Second Substitute House Bill No. 196]  
DRIVING WITHOUT A VALID LICENSE

AN ACT Relating to driving without a license; amending RCW 46.20.342, 46.12.240, 46.12.020, and 46.63.020; adding new sections to chapter 46.16 RCW; creating a new section; repealing RCW 46.20.416; prescribing penalties; providing effective dates; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 148, Laws of 1980 as amended by section 3, chapter 302, Laws of 1985 and RCW 46.20.342 are each amended to read as follows:

(1) Any person who drives a motor vehicle on any public highway of this state while that person is in a suspended or revoked status or when his or her privilege so to do is suspended or revoked in this or any other state or when his or her policy of insurance or bond, when required under this ((chapter)) title, has been canceled or terminated, is guilty of a gross misdemeanor. Upon the first conviction for a violation of this section, a person shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second ((such)) conviction, ((he)) the person shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third or subsequent such conviction, ((he)) the person shall be punished by imprisonment for not less than one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) Except as otherwise provided in this subsection, upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of ((such)) the person is under suspension, the department shall extend the period of ((such)) the suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date ((such)) the person would otherwise have been entitled to apply for a new license. The department shall not so extend the period of suspension or revocation if the court recommends against the extension and:

- (a) The convicted person has obtained a valid driver's license; or
- (b) The department determines that the convicted person has demonstrated proof of future financial responsibility as provided for in chapter 46.29 RCW, and, if the suspension or revocation was the result of a violation of RCW 46.61.502 or 46.61.504, that the person is making satisfactory progress in any required alcoholism treatment program.

**NEW SECTION.** Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:

(1) At the time of arrest for a violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090, the arresting officer shall confiscate the Washington state vehicle registration of the vehicle being driven by the arrested person. The officer shall mark the vehicle's Washington state license plates in accordance with procedures prescribed by the Washington state patrol. Marked license plates shall be clearly distinguishable from any other authorized plates. Upon confiscation of the vehicle registration, the arresting officer shall, on behalf of the department, serve notice in accordance with section 4 of this act of the department's intention to cancel the vehicle registration in accordance with section 3 of this act. The officer shall immediately replace any confiscated vehicle registration with a temporary registration that expires sixty days after the arrest, or at the time the department's cancellation is sustained at a hearing conducted under section 5 of this act, whichever occurs first. The provisions of this subsection may be used only when the arresting officer has determined that the arrested driver is a registered owner of the vehicle.

(2) After confiscation under subsection (1) of this section, the arresting officer shall promptly transmit to the department, together with the confiscated vehicle registration, a sworn report indicating that the officer had reasonable grounds to believe that the arrested driver was driving in violation of RCW 46.20.342(1).

(3) Any officer who sees a vehicle being operated with marked license plates may stop the vehicle for the sole purpose of ascertaining whether the driver of the vehicle is operating it in violation of RCW 46.20.021, 46.20.342, 46.20.420, or 46.65.090. Nothing in this section prohibits the arrest of a person for an offense if an officer has probable cause to believe the person has committed the offense.

**NEW SECTION.** Sec. 3. A new section is added to chapter 46.16 RCW to read as follows:

(1) Upon receipt of the sworn report of an arresting officer transmitted pursuant to section 2(2) of this act, the department shall review its records, and if it ascertains that the arrested driver's privilege to drive was suspended or revoked, or in a suspended or revoked status, at the time of his arrest and the arrested driver is the registered owner of the vehicle he was driving at the time of his arrest, or that in violation of RCW 46.12.101 no transfer of title for the vehicle has been made, then the department shall cancel the registration and license plates of the vehicle. The cancellation remains in effect until the arrested driver has been issued a valid driver's license or until another qualified person registers the vehicle. After the cancellation period, upon application and payment of fees and taxes due including fees prescribed in RCW 46.16.270, the department may issue a new vehicle registration and replacement license plates to the arrested driver.

(2) For purposes of this section, cancellation means that the existing registration and license plates shall be canceled and no new registration and license plates may be issued for the vehicle for the prescribed period, if the arrested driver is the owner of the vehicle. Cancellation takes effect beginning sixty days after arrest, or at the time the cancellation is sustained by a hearing held under section 5 of this act, whichever occurs first. If the department does not cancel registration and license plates under subsection (1) of this section, the department shall notify the registered owner that if he is qualified under RCW 46.12.020 he may, upon application and payment of any fees and taxes due other than fees prescribed in RCW 46.16-.270, be issued a new vehicle registration and replacement license plates.

(3) No cancellation under this section affects the right of any person to transfer or acquire title in the vehicle, or the right of any person other than the arrested driver to become the registered owner of the vehicle.

**NEW SECTION.** Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

No cancellation under section 3 of this act is effective until the department or a law enforcement officer acting on its behalf notifies the arrested driver in writing by personal service, by certified mail, or by first class mail addressed to that driver's last known vehicle registration address of record with the department, of the department's intention to cancel registration and the license plates together with the grounds therefor and allows the driver a fifteen-day period to request in writing that the department provide a hearing as provided in section 5 of this act. The notice shall specify the steps the driver must take to obtain a hearing. If no written request for a hearing is received by the department within fifteen days from the date of notification, the order of the department becomes effective as provided in section 3 of this act. If a request for a hearing is filed in time, the department shall give the driver an opportunity for a hearing as provided in section 5 of this act, and the cancellation will not be effective until a final determination has been made by the department.

**NEW SECTION.** Sec. 5. A new section is added to chapter 46.16 RCW to read as follows:

(1) Administrative hearings held to determine the propriety of any registration cancellation imposed under section 3 of this act shall be in accordance with rules adopted by the director.

(2) The department shall fix a time, no more than sixty days after arrest, and place for a hearing to be held in the county in which the arrest was made. The hearing may be set for some other county by agreement between the department and the driver.

(3) The department shall give the driver at least twenty days advance notice of the time and place of hearing, but the period of notice may be waived by the driver. Every party has the right of cross-examination of any witness who testifies and has the right to submit rebuttal evidence.

**NEW SECTION.** Sec. 6. A new section is added to chapter 46.16 RCW to read as follows:

If the cancellation under section 3 of this act is sustained at the hearing held under section 5 of this act, the driver whose vehicle registration is canceled has the right to file a petition in the superior court of the county of arrest for review of the final order of cancellation by the department. The petition shall be filed within ten days following receipt by the person of the department's final order, or the right to appeal is deemed to have been waived. The review shall be conducted by the court without a jury, and shall be de novo.

(2) The filing of the appeal does not stay the effective date of the cancellation.

(3) The court may affirm the department's decision or reverse the department's order of cancellation.

(4) The actual costs of preparing and transmitting the record to superior court shall be borne by the petitioner and awarded by the court to the department if the department's decision is affirmed. The costs shall be borne by the department if the department's decision is reversed.

**NEW SECTION.** Sec. 7. A new section is added to chapter 46.16 RCW to read as follows:

(1) The director or the director's designee shall administer and enforce sections 3 through 6 of this act.

(2) The director may adopt such rules and prescribe and provide such forms as may be necessary to carry out sections 3 through 6 of this act.

Sec. 8. Section 46.20.340, chapter 12, Laws of 1961 as amended by section 42, chapter 121, Laws of 1965 ex. sess. and RCW 46.12.240 are each amended to read as follows:

(1) The suspension, revocation, cancellation, or refusal by the director of any license or certificate provided for in chapters 46.12 and 46.16 RCW (~~shall be~~) is conclusive unless the person whose license or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at his option to the superior court of the county of his residence, for the purpose of having the suspension, revocation, cancellation, or refusal of (~~such~~) the license or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the license should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the license or certificate and shall enter

judgment either affirming or setting aside (~~(such)~~) the suspension, revocation, cancellation, or refusal.

(2) This section does not apply to vehicle registration cancellations under sections 2 through 7 of this act.

Sec. 9. Section 46.12.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 424, Laws of 1985 and RCW 46.12.020 are each amended to read as follows:

(1) No vehicle license number plates or certificate of license registration, whether original issues or duplicates, may be issued or furnished by the department unless the applicant, at the same time, makes satisfactory application for a certificate of ownership or presents satisfactory evidence that such a certificate of ownership covering the vehicle has been previously issued.

(2) Except as otherwise provided in this section, no (~~(renewal or duplicate)~~) vehicle license number plates or certificate of license registration, whether original issues or duplicates, and no renewed vehicle license may be issued by the department unless the applicant possesses a valid driver's license. In the case of joint application by more than one person, each applicant shall possess a valid driver's license.

(3) Subsection (2) of this section applies only to applicants who are individual persons and does not apply to corporations.

(4) Subsection (2) of this section does not apply to any applicant with respect to whom the department determines that:

(a) The applicant's driver's license is not currently suspended or revoked and the applicant is not in suspended or revoked status;

(b) The applicant has not been convicted of a violation of RCW 46.20.021, 46.20.342, (~~(46.20.416,)~~) 46.20.420, or 46.65.090; and

(c) Circumstances not related to any violation of Title 46 RCW account for the applicant's current lack of a driver's license and the applicant's need to register a vehicle. The applicant shall by affidavit indicate:

(i) The reason for the applicant's lack of a driver's license;

(ii) The need the applicant has for registering a vehicle; and

(iii) That the applicant will not knowingly (~~(allow)~~) permit a person without a driver's license to drive any vehicle registered in the applicant's name.

(5) (~~(It is unlawful for any person in whose name a vehicle is registered knowingly to allow another person to drive the vehicle knowing that the other person is not authorized to do so under the laws of this state.~~)

(6) A violation of subsection (5) of this section, or) A knowingly made material misstatement on an affidavit under subsection (4)(c) of this section is a misdemeanor.

(~~(7)~~) (6) No denial under this section of issuance or of renewal of plates or certificates affects the right of any person to maintain, transfer, or

acquire title in any vehicle. Unless the parties to the contract agree otherwise, no such denial affects the rights or obligations of any party to a contract for the purchase, or for the financing of the purchase, of a motor vehicle.

**NEW SECTION.** Sec. 10. A new section is added to chapter 46.16 RCW to read as follows:

It is unlawful for any person in whose name a vehicle is registered knowingly to permit another person to drive the vehicle when the other person is not authorized to do so under the laws of this state. A violation of this section is a misdemeanor.

Sec. 11. 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) Section 10 of this act relating to permitting unauthorized persons to drive;

(9) RCW 46.16.381(8) relating to unauthorized acquisition of a special decal, license plate, or card for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

~~((9))~~ (11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

~~((10))~~ (12) RCW 46.20.342 relating to driving with a suspended or revoked license;

~~((11))~~ (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

- ~~((12))~~ (14) RCW 46.20.416 relating to driving while in a suspended or revoked status;
- ~~((13))~~ (15) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- ~~((14))~~ (16) Chapter 46.29 RCW relating to financial responsibility;
- ~~((15))~~ (17) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- ~~((16))~~ (18) RCW 46.48.175 relating to the transportation of dangerous articles;
- ~~((17))~~ (19) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- ~~((18))~~ (20) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- ~~((19))~~ (21) RCW 46.52.090 relating to reports by repairmen, storage men, and appraisers;
- ~~((20))~~ (22) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- ~~((21))~~ (23) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- ~~((22))~~ (24) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- ~~((23))~~ (25) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- ~~((24))~~ (26) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- ~~((25))~~ (27) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- ~~((26))~~ (28) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- ~~((27))~~ (29) RCW 46.61.500 relating to reckless driving;
- ~~((28))~~ (30) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- ~~((29))~~ (31) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- ~~((30))~~ (32) RCW 46.61.522 relating to vehicular assault;
- ~~((31))~~ (33) RCW 46.61.525 relating to negligent driving;
- ~~((32))~~ (34) RCW 46.61.530 relating to racing of vehicles on highways;
- ~~((33))~~ (35) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- ~~((34))~~ (36) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- ~~((35))~~ (37) RCW 46.64.020 relating to nonappearance after a written promise;



~~((36))~~ (38) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((37))~~ (39) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((38))~~ (40) 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))~~ (41) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((40))~~ (42) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((41))~~ (43) Chapter 46.82 RCW relating to driver's training schools.

***\*NEW SECTION. Sec. 12. Section 3, chapter 29, Laws of 1975-'76 2nd ex. sess., section 4, chapter 302, Laws of 1985 and RCW 46.20.416 are each repealed.***

***\*Sec. 12 was vetoed, see message at end of chapter.***

**NEW SECTION.** Sec. 13. Sections 1 through 8 of this act shall take effect on July 1, 1988. The director of licensing shall take such steps as are necessary to insure that this act is implemented on its effective date. Sections 2 through 7 of this act shall expire on July 1, 1993.

**NEW SECTION.** Sec. 14. Section 9 of this act shall take effect January 1, 1990.

**NEW SECTION.** Sec. 15. The department of licensing shall report to the legislature no later than January 1, 1991, on the implementation of this 1987 act. The department shall indicate the revenue and expenditure effects of the act and shall estimate its effect on the incidence of unlicensed driving in the state.

**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.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 15, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 15, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 12, Engrossed Second Substitute House Bill No. 196, entitled:

"AN ACT Relating to driving without a license."

Section 12 of this bill repeals RCW 46.20.416 which prohibits driving while in a suspended or revoked status. Section 1 of the bill incorporates the provisions of that statute into RCW 46.20.342.

The repeal affected by section 12 occurs ninety days after the end of the regular legislative session just completed. However, new statutory language to replace that provision does not take effect until July 1, 1988, as provided in section 13. Without a veto of section 12, this prohibition would lapse for approximately one year which would be an undesirable and unintended lapse in our suspension of driver license law.

With the exception of section 12, Engrossed Second Substitute House Bill No. 196 is approved.\*

CHAPTER 389

[House Bill No. 135]

WESTERN LIBRARY NETWORK—CIVIL SERVICE EXEMPTIONS—OPEN PUBLIC MEETING EXCEPTIONS—FUNDS REVISED

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

Be it enacted by the Legislature of the State of Washington:

**\*Sec. 1. 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. 1 was vetoed, see message at end of chapter.

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: (i) 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: (i) 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.

Sec. 3. 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.

Sec. 4. Section 2, chapter 110, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 21, Laws of 1985 and RCW 43.105.110 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "western library network computer system revolving fund" referred to ~~((in RCW 43.105.120 as "fund".))~~ as the "fund."

The fund shall be credited with all receipts from the rental, sale, or distribution of supplies, equipment, computer software, products, and services rendered to users and licensees of the western library network computer system. All gifts, grants, donations, and other moneys received by the network shall be deposited in the fund. All expenditures from the fund shall be authorized by law.

*\*Sec. 5. 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 services, supplies, and equipment; and*

*(3) 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. 5 was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 110, Laws of 1975-'76 2nd ex. sess., section 3, chapter 21, Laws of 1985 and RCW 43.105.100;

(2) Section 3, chapter 110, Laws of 1975-'76 2nd ex. sess., section 5, chapter 21, Laws of 1985 and RCW 43.105.120;

(3) Section 18, chapter 197, Laws of 1983, section 9, chapter 21, Laws of 1985 and RCW 43.131.289; and

(4) Section 44, chapter 197, Laws of 1983, section 10, chapter 21, Laws of 1985 and RCW 43.131.290.

NEW SECTION. Sec. 7. The following sections are each recodified as new sections in chapter 27.26 RCW:

(1) RCW 43.105.110;

- (2) RCW 43.105.130;
- (3) RCW 43.105.140; and
- (4) RCW 43.105.150.

**NEW SECTION.** Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1987.

Passed the House April 25, 1987.

Passed the Senate April 25, 1987.

Approved by the Governor May 15, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 15, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 1 and 5, House Bill No. 135, entitled:

"AN ACT Relating to the western library network."

Section 1 of House Bill No. 135 amends RCW 27.26.020. Section 13 of Second Substitute Senate Bill No. 5555 contains identical language. Therefore, I have vetoed section 1 in order to avoid confusion.

Section 5 amends RCW 43.105.130. Identical language is contained in section 12 which also contains additional language in Second Substitute Senate Bill No. 5555. Hence, I have vetoed section 5.

With the exception of sections 1 and 5, House Bill No. 135 is approved."

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## CHAPTER 390

[Senate Bill No. 5678]

### DEAF STUDENTS IN COMMUNITY COLLEGES—TUITION AND FEE WAIVER PROGRAM INSTITUTED

AN ACT Relating to tuition waivers for students in the regional education program for deaf students; and reenacting and amending RCW 28B.15.520.

Be it enacted by the Legislature of the State of Washington:

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 up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

Passed the Senate April 26, 1987.

Passed the House April 25, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

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## CHAPTER 391

[Engrossed Substitute House Bill No. 80]  
MORTGAGE BROKER PRACTICES ACT

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

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds and declares that the brokering of residential real estate loans substantially affects the public interest. The practices of mortgage brokers have had significant impact on the citizens of the state and the banking and real estate industries. It is the intent of the legislature to establish rules of practice and conduct of mortgage brokers to promote honesty and fair dealing with citizens and to preserve public confidence in the lending and real estate community.

NEW SECTION. Sec. 2. This act shall be known and cited as the "mortgage broker practices act."

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with another person.

(2) "Mortgage broker" means every person who for compensation or in the expectation of compensation either directly or indirectly makes, negotiates, or offers to make or negotiate a residential mortgage loan.

(3) "Person" means a natural person, corporation, company, partnership, or association.

(4) "Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or less units.

(5) "Third-party provider" means any person other than a mortgage broker or lender who provides goods or services to the mortgage broker in connection with the preparation of the borrower's loan and includes, but is not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, or escrow companies.

NEW SECTION. Sec. 4. The following are exempt from all provisions of this chapter:

(1) Any person doing business under the laws of this state or the United States relating to banks, bank holding companies, mutual savings banks, trust companies, savings and loan associations, credit unions, consumer finance companies, industrial loan companies, insurance companies, or real estate investment trusts as defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and service corporations thereof;

(2) An attorney licensed to practice law in this state who is not principally engaged in the business of negotiating residential mortgage loans when such attorney renders services in the course of his or her practice as an attorney;

(3) Any person doing any act under order of any court;

(4) Any person making or acquiring a residential mortgage loan solely with his or her own funds for his or her own investment without intending to resell the residential mortgage loans;

(5) A real estate broker or salesperson licensed by the state who obtains financing for a real estate transaction involving a bona fide sale of real estate in the performance of his or her duties as a real estate broker and who receives only the customary real estate broker's or salesperson's commission in connection with the transaction;

(6) Any mortgage broker approved and subject to auditing by the federal national mortgage association, the government national mortgage association, or the federal home loan mortgage corporation;

(7) Any mortgage broker approved by the United States secretary of housing and urban development for participation in any mortgage insurance

program under the National Housing Act, 12 U.S.C. Sec. 1701, as now or hereafter amended; and

(8) The United States of America, the state of Washington, any other state, and any Washington city, county, or other political subdivision, and any agency, division, or corporate instrumentality of any of the entities in this subsection.

**NEW SECTION.** Sec. 5. Upon receipt of a loan application and before the receipt of any moneys from a borrower, a mortgage broker shall make a full written disclosure to each borrower containing an itemization and explanation of all fees and costs that the borrower is required to pay in connection with obtaining a residential mortgage loan. A good faith estimate of a fee or cost shall be provided if the exact amount of the fee or cost is not determinable. The written disclosure shall contain the following information:

(1) The annual percentage rate, finance charge, amount financed, total amount of all payments, number of payments, amount of each payment, amount of points or prepaid interest and the conditions and terms under which any loan terms may change between the time of disclosure and closing of the loan; and if a variable rate, the circumstances under which the rate may increase, any limitation on the increase, the effect of an increase, and an example of the payment terms resulting from an increase. Disclosure in compliance with the requirements of the Truth-in-Lending Act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended, shall be deemed to comply with the disclosure requirements of this subsection;

(2) The itemized costs of any credit report, appraisal, title report, title insurance policy, mortgage insurance, escrow fee, property tax, insurance, structural or pest inspection, and any other third-party provider's costs associated with the residential mortgage loan. Disclosure through good faith estimates of settlement services and special information booklets in compliance with the requirements of the Real Estate Settlement Procedures Act, 12 U.S.C. Sec. 2601, and Regulation X, 24 C.F.R. Sec. 3500, as now or hereafter amended, shall be deemed to comply with the disclosure requirements of this subsection;

(3) If applicable, the cost, terms, and conditions of an agreement to lock-in or commit the mortgage broker or lender to a specific interest rate or other financing term for any period of time up to and including the time the loan is closed;

(4) A statement that if the borrower is unable to obtain a loan for any reason, the mortgage broker must, within five days of a written request by the borrower, give copies of any appraisal, title report, or credit report paid for by the borrower to the borrower, and transmit the appraisal, title report, or credit report to any other mortgage broker or lender to whom the borrower directs the documents to be sent;

(5) The name of the lender and the nature of the business relationship between the lender and the mortgage broker, if any: PROVIDED, That this disclosure may be made at any time up to the time the borrower accepts the lender's commitment; and

(6) A statement providing that moneys paid by the borrower to the mortgage broker for third-party provider services are held in a trust account and any moneys remaining after payment to third-party providers will be refunded.

A violation of the Truth-in-Lending Act, Regulation Z, the Real Estate Settlement Procedures Act, and Regulation X is a violation of this section for purposes of this chapter.

NEW SECTION. Sec. 6. Every contract between a mortgage broker and a borrower shall be in writing and shall contain the entire agreement of the parties.

A mortgage broker shall have a written correspondent or loan brokerage agreement with a lender before any solicitation of, or contracting with, the public.

NEW SECTION. Sec. 7. A mortgage broker shall deposit, prior to the end of the next business day, all moneys received from borrowers for third-party provider services 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 borrowers. Moneys maintained in the trust account shall be exempt from execution, attachment, or garnishment. A mortgage broker 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 only for the payment of bona fide services rendered by a third-party provider or for refunds to borrowers. Any interest earned on the trust account shall be refunded or credited to the borrowers at closing.

NEW SECTION. Sec. 8. A mortgage broker shall use generally accepted accounting principles. A mortgage broker shall maintain accurate, current, and readily available books and records at the mortgage broker's usual business location until at least six years have elapsed following the effective period to which the books and records relate.

NEW SECTION. Sec. 9. (1) Except as otherwise permitted by this section, a mortgage broker shall not receive a fee, commission, or compensation of any kind in connection with the preparation, negotiation, and brokering of a residential mortgage loan unless a borrower actually obtains a loan from a lender on the terms and conditions agreed upon by the borrower and mortgage broker.

(2) A mortgage broker may:

(a) If the mortgage broker has obtained for the borrower a written commitment from a lender for a loan on the terms and conditions agreed

upon by the borrower and the mortgage broker, and the borrower fails to close on the loan through no fault of the mortgage broker, charge a fee not to exceed three hundred dollars for services rendered, preparation of documents, or transfer of documents in the borrower's file which were prepared or paid for by the borrower if the fee is not otherwise prohibited by the Truth-in-Lending Act, 15 U.S.C. Sec. 1601, and Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended; or

(b) Solicit or receive fees for third party provider goods or services in advance. Fees for any goods or services not provided must be refunded to the borrower and the mortgage broker may not charge more for the goods and services than the actual costs of the goods or services charged by the third party provider.

(3) A mortgage broker may not:

(a) Solicit or enter into a contract with a borrower that provides in substance that the mortgage broker may earn a fee or commission through the mortgage broker's "best efforts" to obtain a loan even though no loan is actually obtained for the borrower; or

(b) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting.

NEW SECTION. Sec. 10. If a borrower is unable to obtain a loan for any reason and the borrower has paid for an appraisal, title report, or credit report, the mortgage broker shall give a copy of the appraisal, title report, or credit report to the borrower and transmit the originals to any other mortgage broker or lender to whom the borrower directs that the documents be transmitted. The mortgage broker must provide the copies or transmit the documents within five days after the borrower has made the request in writing.

NEW SECTION. Sec. 11. All advertising of residential mortgage loans by a mortgage broker shall comply with the requirements of the Truth-in-Lending Act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended. A violation of the Truth-in-Lending Act or Regulation Z is a violation of this section for purposes of this chapter.

NEW SECTION. Sec. 12. The commission by any person of any violation of this chapter is an unfair or deceptive act or practice and unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020.

NEW SECTION. Sec. 13. Any person who violates any provision of sections 1 through 6 or 8 through 12 of this act shall be guilty of a misdemeanor punishable under chapter 9A.20 RCW. Any person who violates section 7 of this act shall be guilty of a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 19 RCW.

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.

Passed the House April 21, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

## CHAPTER 392

[House Bill No. 629]

### VESSEL PILOTS—DISCIPLINE MODIFIED

AN ACT Relating to discipline of state licensed pilots; and amending RCW 88.16.100.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 13, chapter 18, Laws of 1935 as last amended by section 1, chapter 121, Laws of 1986 and RCW 88.16.100 are each amended to read as follows:

(1) The board shall have power on its own motion or, in its discretion, upon the written request of any interested party, to investigate the performance of pilotage services subject to this chapter and to issue a reprimand, impose a fine against a pilot in an amount not to exceed five thousand dollars (~~and~~), suspend, withhold, or revoke the license of any pilot, or any combination of the above, for misconduct, incompetency, inattention to duty, intoxication, or failure to perform his duties under this chapter, or violation of any of the rules or regulations provided by the board for the government of pilots. The board may partially or totally stay any disciplinary action authorized in this subsection and subsection (2) of this section. The board shall have the power to require that a pilot satisfactorily complete a specific course of training or treatment.

(2) In all instances where a pilot licensed under this chapter performs pilot services on a vessel exempt under RCW 88.16.070, the board may on its own motion, or in its discretion upon the written request of any interested party, investigate whether the services were performed in a professional manner consistent with sound maritime practices. ~~((If the board finds that the pilotage services were performed in a negligent manner so as to endanger life, limb, or property, the board shall impose a fine of not more than five thousand dollars upon the offending pilot.))~~ If the board finds that the pilotage services were performed in a manner that constitutes an act of incompetence, misconduct, or negligence so as to endanger life, limb, or

property, or violated or failed to comply with state laws or regulations intended to promote marine safety or to protect navigable waters, the board may issue a reprimand, impose a fine against a pilot in an amount not to exceed five thousand dollars, suspend, withhold, or revoke the state pilot license, or any combination of the above. The board shall have the power to require that a pilot satisfactorily complete a specific course of training or treatment.

(3) The board shall implement a system of specified disciplinary actions or corrective actions, including training or treatment, that will be taken when a state licensed pilot in a specified period of time has had multiple disciplinary actions taken against the pilot's license pursuant to subsections (1) and (2) of this section. In developing these disciplinary or corrective actions, the board shall take into account the cause of the disciplinary action and the pilot's previous record.

(4) When the board determines that reasonable cause exists to issue a reprimand, impose a fine ((or)), suspend, revoke, or withhold any pilot's license or require training or treatment under subsection (1) or (2) of this section, it shall forthwith prepare and personally serve upon such pilot a notice advising him of the board's intended action, the specific grounds therefor, and the right to request a hearing to challenge the board's action. The pilot shall have thirty days from the date on which notice is served to request a full hearing before an administrative law judge on the issue of the reprimand, fine ((or)), suspension, revocation, or withholding of his pilot's license, or requiring treatment or training. The board's proposed reprimand, fine ((or)), suspension, revocation, or withholding of a license, or requiring treatment or training shall become final upon the expiration of thirty days from the date notice is served, unless a hearing has been requested prior to that time. When a hearing is requested the board shall request the appointment of an administrative law judge under chapter 34.12 RCW who has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by the provisions of Title 34 RCW. All final decisions of the administrative law judge shall be subject to review by the superior court of the state of Washington for Thurston county or by the superior court of the county in which the pilot maintains his residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the administrative law judge if requested to do so by any party to the proceedings at any time within thirty days after the date of any such final decision. No appeal may be taken after the expiration of thirty days after the date of final decision. Any case so certified to the superior court shall be tried de novo and after certification of the record to said superior court the proceedings shall be had as in a civil action. Moneys collected from fines under this section shall be deposited in the pilotage account.

(5) The board shall have the power, on an emergency basis, to temporarily suspend a state pilot's license: (a) When a pilot has been involved in any vessel accident where there has been major property damage, loss of life, or loss of a vessel, or (b) where there is a reasonable cause to believe that a pilot has diminished mental capacity or is under the influence of drugs, alcohol, or other substances, when in the opinion of the board, such an accident or physical or mental impairment would significantly diminish that pilot's ability to carry out pilotage duties and that the public health, safety, and welfare requires such emergency action. The board shall make a determination within seventy-two hours whether to continue the suspension. The board shall develop rules for exercising this authority including procedures for the chairperson or vice-chairperson of the board to temporarily order such suspensions, emergency meetings of the board to consider such suspensions, the length of suspension, opportunities for hearings, and an appeal process. The board shall develop rules under chapter 34.04 RCW.

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.

Passed the House April 21, 1987.

Passed the Senate April 13, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

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## CHAPTER 393

[Substitute House Bill No. 353]

### AGRICULTURE DEPARTMENT—REVISIONS

AN ACT Relating to the department of agriculture; amending RCW 15.04.040, 15.04.100, 15.24.070, 15.24.190, 15.65.070, 15.65.170, 15.65.250, 15.65.470, 15.65.390, 15.65.400, 16.67.120, 20.01.040, 43.23.200, 62A.9-307, 69.25.270, 22.09.040, 22.09.045, 22.09.011, 22.09.345, 22.09.371, 22.09.391, and 22.09.520; adding a new section to chapter 15.04 RCW; adding a new section to chapter 15.86 RCW; adding a new section to chapter 22.09 RCW; adding a new section to chapter 69.04 RCW; repealing RCW 16.59.010, 16.59.020, 16.59.030, 16.59.040, 16.59.050, 16.59.060, 16.59.070, and 16.59.900; prescribing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 15.04.040, chapter 11, Laws of 1961 as amended by section 11, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.04.040 are each amended to read as follows:

Inspectors-at-large shall pass such an examination by the director as will satisfy him they are qualified in knowledge and experience to carry on the work in the districts to which they are assigned. They shall be assigned to a horticultural inspection district and may be transferred from one district to another. Their salaries and travel expenses, as shown by vouchers



verified by them and countersigned by the director, shall be paid by warrants drawn upon the state treasurer, horticultural inspection district funds, the horticultural inspection trust fund, or from county appropriations(~~(: PROVIDED, That, not less than twenty-five percent of their total salary shall be paid by warrants drawn upon the state treasurer. Such travel expenses shall be reimbursed in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended)~~)).

Sec. 2. Section 15.04.100, chapter 11, Laws of 1961 as last amended by section 1, chapter 203, Laws of 1986 and RCw 15.04.100 are each amended to read as follows:

The director shall establish a horticulture inspection trust fund to be derived from horticulture inspection district funds. The director shall adjust district payments so that the balance in the trust fund shall not exceed three hundred thousand dollars. The director is authorized to make payments from the trust fund to:

(1) Pay fees and expenses provided in the inspection agreement between the state department of agriculture and the agricultural marketing service of the United States department of agriculture;

~~(2) ((Pay portions of salaries of inspectors-at-large as provided under RCW 15.04.040;~~

~~(3))~~ Assist horticulture inspection districts in temporary financial distress as result of less than normal production of horticultural commodities: PROVIDED, That districts receiving such assistance shall make repayment to the trust fund as district funds shall permit;

~~((4))~~ (3) Pay necessary administrative expenses for the commodity inspection division attributable to the supervision of the horticulture inspection services.

Sec. 3. Section 15.24.070, chapter 11, Laws of 1961 as last amended by section 3, chapter 203, Laws of 1986 and RCW 15.24.070 are each amended to read as follows:

The Washington state apple advertising commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a chairman and such other officers as it deems advisable; and to adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers hereunder, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To investigate and prosecute violations hereof;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and products thereof;

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation; ((and))

(9) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient; and

(10) To borrow money and incur indebtedness.

Sec. 4. Section 15.24.190, chapter 11, Laws of 1961 and RCW 15.24.190 are each amended to read as follows:

~~((The state shall not be liable for the acts of the commission or on its contracts. No member of the commission or any employee or agent thereof shall be liable on its contracts. All liabilities incurred by the commission shall be payable only from the funds collected hereunder.))~~ Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission, and no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof, or against any member, employee, or agent of the commission in his or her individual capacity. Except as otherwise provided in this chapter, neither the members of the commission nor its employees may be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, save for their own individual acts of dishonesty or crime. No such person or employee may be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint, and no member is liable for the default of any other member.

Sec. 5. Section 7, chapter 256, Laws of 1961 as last amended by section 2, chapter 261, Laws of 1985 and RCW 15.65.070 are each amended to read as follows:

The director shall publish notice of any hearing called for the purpose of considering and acting upon any proposal for a period of not less than two days in ~~((a newspaper of general circulation in Olympia and such other))~~ one or more newspapers of general circulation as the director may prescribe. No such public hearing shall be held prior to five days after the last day of such period of publication. Such notice shall set forth the date, time and place of said hearing, the agricultural commodity and the area covered by such proposal; a concise statement of the proposal; a concise statement of

each additional subject upon which the director will hear evidence and make a determination, and a statement that, and the address where, copies of the proposal may be obtained. The director shall also mail a copy of such notice to all producers and handlers within the affected area who may be directly affected by such proposal and whose names and addresses appear, on the day next preceding the day on which such notice is published, upon lists of such persons then on file in the department.

Sec. 6. Section 17, chapter 256, Laws of 1961 and RCW 15.65.170 are each amended to read as follows:

If the director determines that the requisite assent has been given he shall issue and put any order or amendment thereto into force, whereupon each and every provision thereof shall have the force of law. Issuance shall be accomplished by publication of a notice for one day in a newspaper of general circulation (~~in Olympia and~~) in the affected area (~~of~~). The notice ((stating)) shall state that the order has been issued and put into force and where copies of such order may be obtained. If the director determines that the requisite assent has not been given no further action shall be taken by the director upon the proposal, and the order contained in the final decision shall be without force or effect.

Sec. 7. Section 25, chapter 256, Laws of 1961 as last amended by section 9, chapter 261, Laws of 1985 and RCW 15.65.250 are each amended to read as follows:

For the purpose of nominating candidates to be voted upon for election to such board memberships, the director shall call separate meetings of the affected producers and handlers within the affected area and in case elections shall be by districts he shall call separate meetings for each district. However, at the inception any marketing agreement or order nominations may be at the issuance hearing. Nomination meetings shall be called annually and at least thirty days in advance of the date set for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area defined in the order or agreement not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers and/or handlers according to the list thereof maintained by the director pursuant to RCW 15.65.200. However, if the agreement or order provides for election by districts such written notice need be given only to the producers or handlers residing in or whose principal place of business is within such district. Nonreceipt of notice by any interested person shall not invalidate proceedings at such meetings. Any qualified person may be nominated orally for membership upon such board at the said meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five producers or handlers, as the case may be, entitled to have participated in said meeting.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers or handlers. The notice shall call for nominations in accordance with the marketing order and shall give the final date for filing nominations which shall not be less than twenty days after the notice was mailed.

When only one nominee is nominated for any position on the board the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

Sec. 8. Section 47, chapter 256, Laws of 1961 and RCW 15.65.470 are each amended to read as follows:

~~((The marketing act revolving fund shall be deposited in such banks and financial institutions as))~~ The director or his or her designee ~~((may select throughout the state which shall give to the director or his designee surety bonds executed by surety companies authorized to do business in the state, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit in each such bank or financial institution))~~ shall designate financial institutions which are qualified public depositories under chapter 39.58 RCW as depository or depositories of money received for the marketing act revolving fund. All moneys received by the director or his or her designee or by any administrator, board or employee, except an amount of petty cash for each day's needs as fixed by the regulations, shall be deposited each day ~~((, and as often during the day as advisable,))~~ in ~~((the authorized depository))~~ a designated depository.

Sec. 9. Section 39, chapter 256, Laws of 1961 as amended by section 13, chapter 261, Laws of 1985 and RCW 15.65.390 are each amended to read as follows:

There is hereby levied, and the director or his designee shall collect, upon each and every affected unit of any agricultural commodity specified in any marketing agreement or order an annual assessment which shall be paid by the producer thereof upon each and every such affected unit stored in frozen condition or sold or marketed or delivered for sale or marketed by him, and which shall be paid by the handler thereof upon each and every such unit purchased or received for sale, processing or distribution, or stored in frozen condition, by him: PROVIDED, That such assessment shall be paid by producers only, if only producers are regulated by such agreement or order, and by handlers only, if only handlers are so regulated, and by both producers and handlers if both are so regulated. Such assessments shall be expressed as a stated amount of money per unit or as a percentage of the receipt price at the first point of sale. The total amount of such annual assessment to be paid by all producers of such commodity, or by all handlers of such commodity shall not exceed four percent of the total market value of all affected units stored in frozen condition or sold or marketed or delivered for sale or marketing by all producers of such units during the year to

which the assessment applies. (~~However, the total amount of such annual assessment upon producers, or handlers, or both producers and handlers, of the below listed commodities shall not exceed the amounts per unit or the percentage of selling price stated after the names of the respective commodities below:~~

~~(1) Wheat, maximum, one-quarter cent per bushel.))~~

Sec. 10. Section 40, chapter 256, Laws of 1961 and RCW 15.65.400 are each amended to read as follows:

In every marketing agreement and order the director shall prescribe the ~~((per unit))~~ rate of such assessment~~((, and))~~. Such assessment shall be expressed as a stated amount of money per unit or as a percentage of the receipt price at the first point of sale. Such rate may be at the full amount of, or at any lesser amount than the amount hereinabove limited. Such rate may be altered or amended from time to time, but only upon compliance with the procedural requirements of this chapter. In every such marketing agreement, order and amendment the director shall base his determination of such rate upon the volume and price of sales of affected units (or units which would have been affected units had the agreement or order been in effect) during a period which the director determines to be a representative period. The ~~((per unit))~~ rate of assessment prescribed in any such agreement, order or amendment shall for all purposes and times be deemed to be within the limits of assessment above provided until such time as such agreement or order is amended as to such rate.

Sec. 11. Section 11, chapter 133, Laws of 1969 as last amended by section 2, chapter 190, Laws of 1986 and RCW 16.67.120 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, there is hereby levied an assessment of fifty cents per head on all Washington cattle sold in this state or elsewhere to be paid by the seller at the time of sale: **PROVIDED**, That if the assessment levied pursuant to this section is greater than one percent of the sales price, the animal is exempt from the assessment unless the federal order implementing the national beef promotion and research program establishes an assessment on these animals: **PROVIDED FURTHER**, That if such sale is accompanied by a brand inspection by the department such assessment shall be collected at the same time, place and in the same manner as brand inspection fees. Such fees shall be collected by the livestock services division of the department and transmitted to the commission: **PROVIDED FURTHER**, That, if such sale is made without a brand inspection by the department the assessment shall be paid by the seller and transmitted directly to the commission not later than thirty days following the sale.

(2) While the federal order implementing the national beef promotion and research program is in effect, the assessment to be levied and the procedures for its collection shall be as required by the federal order and as described by rules adopted by the commission.

NEW SECTION. Sec. 12. A new section is added to chapter 15.86 RCW to read as follows:

The director may adopt rules establishing a certification program for producers of organic food. The rules may govern, but are not limited to governing: The number and scheduling of on-farm visits, both announced and unannounced, by certification personnel; recordkeeping requirements; and the submission of product samples for chemical analysis. The rules shall include a fee schedule that will provide for the recovery of the full cost of the certification program. Fees collected under this section shall be deposited in an account within the agricultural local fund and the revenue from such fees shall be used solely for carrying out the provisions of this section, and no appropriation is required for disbursement from the fund. The director may employ such personnel as are necessary to carry out the provisions of this section.

Sec. 13. Section 4, chapter 139, Laws of 1959 as last amended by section 3, chapter 305, Laws of 1983 and RCW 20.01.040 are each amended to read as follows:

No person may act as a commission merchant, dealer, broker, cash buyer, agent, or boom loader without a license. Any person applying for such a license shall file an application with the director on or before January 1st of each year. The application shall be accompanied by ~~((the following license fee:~~

~~(1) Commission merchant, one hundred forty-five dollars;~~

~~(2) Dealer, one hundred forty-five dollars;~~

~~(3) Limited dealer, one hundred dollars;~~

~~(4) Broker, one hundred dollars;~~

~~(5) Cash buyer, forty dollars;~~

~~(6) Agent, fifteen dollars;~~

~~(7) Boom loader, ten dollars))~~ a license fee as prescribed by the director by rule.

Sec. 14. Section 27, chapter 297, Laws of 1981 and RCW 43.23.200 are each amended to read as follows:

The ~~((dean of the college of fisheries of the University of Washington and the dean's appointed laboratory director,))~~ chief chemist of the department of agriculture dairy and food laboratory and the chief chemist of the department of agriculture ~~((chemistry))~~ chemical and hop laboratory shall be the official chemists of the department of agriculture. Official chemists of the department shall provide laboratory services and analyze all substances that the director of agriculture may send to them and report to the director

without unnecessary delay the results of any analysis so made. When called upon by the director, they or any of the additional chemists provided for pursuant to RCW 43.23.205 shall assist in any prosecution for the violation of any law enforced by the department. ~~((The dean of the college of fisheries of the University of Washington and the dean's appointed laboratory director shall provide such laboratory services without additional compensation other than their expenses incurred in the performance of such work:))~~

Sec. 15. Section 9-307, chapter 157, Laws of 1965 ex. sess. as last amended by section 13, chapter 412, Laws of 1985 and RCW 62A.9-307 are each amended to read as follows:

(1) A buyer in ordinary course of business (subsection (9) of RCW 62A.1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, unless made pursuant to a commitment entered into without knowledge of the purchase.

~~((4) Notwithstanding subsection (1) of this section, any person registered under the Federal Packers and Stockyard Act, 7 U.S.C. 181, who sells livestock for another for a fee or commission or who purchases livestock or livestock byproducts with the intent to resell takes free of a security interest created by the seller, even though the security interest is perfected, when such person is without knowledge of the security interest. For the purposes of this subsection, a person has "knowledge" if:~~

~~(a) Notice is furnished by the seller as provided in RCW 16.57.240; or~~

~~(b) A statement of the security interest is filed pursuant to chapter 16-59 RCW.))~~

Sec. 16. Section 28, chapter 201, Laws of 1975 1st ex. sess. and RCW 69.25.270 are each amended to read as follows:

Every egg handler or dealer who pays assessments required under the provisions of this chapter on a monthly basis in lieu of seals shall be subject to audit by the director ~~((on an annual basis or more frequently if necessary))~~ at such frequency as is deemed necessary by the director. The cost to the director for performing such audit shall be chargeable to and payable by the egg handler or dealer subject to audit. Failure to pay assessments when

due or refusal to pay for audit costs may be cause for a summary suspension of an egg handler's or dealer's license and a charge of one percent per month, or fraction thereof shall be added to the sum due the director, for each remittance not received by the director when due. The conditions and charges applicable to egg handlers and dealers set forth herein shall also be applicable to payments due the director for facsimiles of seals placed on egg containers.

Sec. 17. Section 4, chapter 124, Laws of 1963 as last amended by section 20, chapter 305, Laws of 1983 and RCW 22.09.040 are each amended to read as follows:

Application for a license to operate a warehouse under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation, or other entity;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) Whether the applicant has also applied for or has been issued a grain dealer license under the provisions of this chapter;

(6) The location of each warehouse the applicant intends to operate and the location of the headquarters or main office of the applicant;

(7) The bushel storage capacity of each such warehouse to be licensed;

(8) The schedule of fees to be charged at each warehouse for the handling, conditioning, storage, and shipment of all commodities during the licensing period;

(9) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director pursuant to chapter 34.04 RCW. All financial statement information required by this subsection shall be confidential information not subject to public disclosure;

(10) Whether the application is for a terminal, subterminal, or country warehouse license;

(11) Whether the applicant has previously been denied a grain dealer or warehouseman license or whether the applicant has had either license suspended or revoked by the department;

(12) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.



Sec. 18. Section 21, chapter 305, Laws of 1983 and RCW 22.09.045 are each amended to read as follows:

Application for a license to operate as a grain dealer under the provisions of this chapter shall be on a form prescribed by the department and shall include:

(1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation, or other entity;

(2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;

(3) The principal business address of the applicant in the state and elsewhere;

(4) The name or names of the person or persons in this state authorized to receive and accept service of summons and legal notices of all kinds for the applicant;

(5) Whether the applicant has also applied for or has been issued a warehouse license under this chapter;

(6) The location of each business location from which the applicant intends to operate as a grain dealer in the state of Washington whether or not the business location is physically within the state of Washington, and the location of the headquarters or main office of the application;

(7) A financial statement to determine the net worth of the applicant to determine whether or not the applicant meets the minimum net worth requirements established by the director under chapter 34.04 RCW. However, if the applicant is a subsidiary of a larger company, corporation, society, or cooperative association, both the parent company and the subsidiary company must submit a financial statement to determine whether or not the applicant meets the minimum net worth requirements established by the director under chapter 34.04 RCW. All financial statement information required by this subsection shall be confidential information not subject to public disclosure;

(8) Whether the applicant has previously been denied a grain dealer or warehouseman license or whether the applicant has had either license suspended or revoked by the department;

(9) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this chapter.

Sec. 19. Section 16, chapter 305, Laws of 1983 and RCW 22.09.011 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(4) "Agricultural commodities," hereinafter referred to as "commodities," means, but is not limited to, all the grains, peas, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products.

(5) "Warehouse," also referred to as a public warehouse, means any elevator, mill, subterminal grain warehouse, terminal warehouse, country warehouse, or other structure or enclosure located in this state that is used or useable for the storage of agricultural products, and in which commodities are received from the public for storage, handling, conditioning, or shipment for compensation. The term does not include any warehouse storing or handling fresh fruits and/or vegetables, any warehouse used exclusively for cold storage, or any warehouse that conditions yearly less than three hundred tons of an agricultural commodity for compensation.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Subterminal warehouse" means any warehouse that performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated before shipment to a terminal warehouse.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and that are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area that can be reasonably audited by the department as a station under this chapter and that has been established as such by the director by rule adopted under chapter 34.04 RCW, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for the station are maintained at the warehouse located in Washington.

(9) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(10) "Warehouseman" means any person owning, operating, or controlling a warehouse in the state of Washington.

(11) "Depositor" means (a) any person who deposits a commodity with a Washington state licensed warehouseman for storage, handling, conditioning, or shipment, or (b) any person who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of the deposit of a commodity with a Washington state licensed warehouseman or (c) any producer whose agricultural commodity has been sold to a grain dealer through the dealer's place of business located in the state of Washington, or any Washington producer whose agricultural commodity has been sold to or is under the control of a grain dealer, (~~which dealer has negotiated the sale of the commodity or has control of the commodity in the~~) whose place of business is located outside the state of Washington.

(12) "Historical depositor" means any person who in the normal course of business operations has consistently made deposits in the same warehouse of commodities produced on the same land. In addition the purchaser, lessee, and/or inheritor of such land from the original historical depositor with reference to the land shall be considered a historical depositor with regard to the commodities produced on the land.

(13) "Grain dealer" means any person who, through his place of business located in the state of Washington, solicits, contracts for, or obtains from a producer, title, possession, or control of any agricultural commodity for purposes of resale, or any person who solicits, contracts for, or obtains from a Washington producer, title, possession, or control of any agricultural commodity for purposes of resale.

(14) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of a commodity produced on that land.

(15) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in Article 7 of Title 62A RCW.

(16) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (15) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and showing the warehouse's name and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

(17) "Put through" means agricultural commodities that are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

(18) "Conditioning" means, but is not limited to, the drying or cleaning of agricultural commodities.

(19) "Deferred price contract" means a contract for the sale of commodities that conveys the title and all rights of ownership to the commodities represented by the contract to the buyer, but allows the seller to set the

price of the commodities at a later date based on an agreed upon relationship to a future month's price or some other mutually agreeable method of price determination. Deferred price contracts include but are not limited to those contracts commonly referred to as delayed price, price later contracts, or open price contracts.

(20) "Shortage" means that a warehouseman does not have in his possession sufficient commodities at each of his stations to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him for the station.

(21) "Failure" means:

(a) An inability to financially satisfy claimants in accordance with this chapter and the time limits provided for in it;

(b) A public declaration of insolvency;

(c) A revocation of license and the leaving of an outstanding indebtedness to a depositor;

(d) A failure to redeliver any commodity to a depositor or to pay depositors for commodities purchased by a licensee in the ordinary course of business and where a bona fide dispute does not exist between the licensee and the depositor;

(e) A failure to make application for license renewal within sixty days after the annual license renewal date; or

(f) A denial of the application for a license renewal.

Sec. 20. Section 47, chapter 305, Laws of 1983 and RCW 22.09.345 are each amended to read as follows:

(1) The department may give written notice to the warehouseman or grain dealer to submit to inspection, and/or furnish required reports, documents, or other requested information, under such conditions and at such time as the department may deem necessary whenever a warehouseman or grain dealer fails to:

(a) Submit his books, papers, or property to lawful inspection or audit;

(b) Submit required reports or documents to the department by their due date; or

(c) Furnish the department with requested information, including but not limited to correction notices.

(2) If the warehouseman or grain dealer fails to comply with the terms of the notice within twenty-four hours from the date of its issuance, or within such further time as the department may allow, the department shall levy a fine of fifty dollars per day from the final date for compliance allowed by this section or the department. In those cases where the failure to comply continues for more than thirty days or where the director determines the failure to comply creates a threat of loss to depositors, the department may, in lieu of levying further fines petition the superior court of the county where the licensee's principal place of business in Washington is located, as shown by the license application, for an order:

(a) Authorizing the department to seize and take possession of all books, papers, and property of all kinds used in connection with the conduct or the operation of the warehouseman's or grain dealer's business, and the books, papers, records, and property that pertain specifically, exclusively, and directly to that business; and

(b) Enjoining the warehouseman or grain dealer from interfering with the department in the discharge of its duties as required by this chapter.

(3) All necessary costs and expenses, including attorneys' fees, incurred by the department in carrying out the provisions of this section may be recovered at the same time and as part of the action filed under this section.

Sec. 21. Section 50, chapter 305, Laws of 1983 and RCW 22.09.371 are each amended to read as follows:

(1) When a depositor stores a commodity with a warehouseman or sells a commodity to a grain dealer, the depositor has a first priority statutory lien on the commodity or the proceeds therefrom or on commodities owned by the warehouseman or grain dealer if the depositor has written evidence of ownership disclosing a storage obligation or written evidence of sale. The lien arises at the time the title is transferred from the depositor to the warehouseman or grain dealer, or if the commodity is under a storage obligation, the lien arises at the commencement of the storage obligation. The lien terminates when the liability of the warehouseman or grain dealer to the depositor terminates or if the depositor sells his commodity to the warehouseman or grain dealer, then thirty days after the ~~((time of the sale))~~ date title passes. If, however, the depositor is tendered payment by check or draft, then the lien shall not terminate until forty days after the ~~((time of sale))~~ date title passes.

(2) The lien created under this section shall be preferred to any lien or security interest in favor of any creditor of the warehouseman or grain dealer, regardless of whether the creditor's lien or security interest attached to the commodity or proceeds before or after the date on which the depositor's lien attached under subsection (1) of this section.

(3) A depositor who claims a lien under subsection (1) of this section need not file any notice of the lien in order to perfect the lien.

(4) The lien created by subsection (1) of this section is discharged, except as to the proceeds therefrom and except as to commodities owned by the warehouseman or grain dealer, upon sale of the commodity by the warehouseman or grain dealer to a buyer in the ordinary course of business.

Sec. 22. Section 52, chapter 305, Laws of 1983 and RCW 22.09.391 are each amended to read as follows:

Upon the failure of a grain dealer or warehouseman, the statutory lien created in RCW 22.09.371 shall be liquidated by the department to satisfy the claims of depositors in the following manner:

(1) The department shall take possession of all commodities in the warehouse, including those owned by the warehouseman or grain dealer,

and those that are under warehouse receipts or any written evidence of ownership that discloses a storage obligation by a failed warehouseman, including but not limited to scale weight tickets, settlement sheets, and ledger cards. These commodities shall be distributed or sold and the proceeds distributed to satisfy the outstanding warehouse receipts or other written evidences of ownership. If a shortage exists, the department shall distribute the commodities or the proceeds from the sale of the commodities on a prorated basis to the depositors. To the extent the commodities or the proceeds from their sale are inadequate to satisfy the claims of depositors with evidence of storage obligations, the depositors have a first priority lien against any proceeds received from commodities sold while under a storage obligation or against any commodities owned by the failed warehouseman or grain dealer.

(2) Depositors possessing written evidence of the sale of a commodity to the failed warehouseman or grain dealer, including but not limited to scale weight tickets, settlement sheets, deferred price contracts, or similar commodity delivery contracts, who have completed delivery and (~~(pricing)~~) passed title during a thirty-day period immediately before the failure of the failed warehouseman or grain dealer have a second priority lien against the commodity, the proceeds of the sale, or warehouse-owned or grain dealer-owned commodities. If the commodity, commodity proceeds, or warehouse-owned or grain dealer-owned commodities are insufficient to wholly satisfy the claim of depositors possessing written evidence of the sale of the commodity to the failed warehouseman or grain dealer, each depositor shall receive a pro rata share thereof.

(3) Upon the satisfaction of the claims of depositors qualifying for first or second priority treatment, all other depositors possessing written evidence of the sale of the commodity to the failed warehouseman or grain dealer have a third priority lien against the commodity, the proceeds of the sale, or warehouse-owned or grain dealer-owned commodities. If the commodities, commodity proceeds, or warehouse-owned or grain dealer-owned commodities are insufficient to wholly satisfy these claims, each depositor shall receive a pro rata share thereof.

(4) The director of agriculture may represent depositors whom, under RCW 22.09.381, the director has determined have claims against the failed warehouseman or failed grain dealer in any action brought to enjoin or otherwise contest the distributions made by the director under this section.

Sec. 23. Section 52, chapter 124, Laws of 1963 and RCW 22.09.520 are each amended to read as follows:

Whenever any commodity shall be delivered to a warehouse under this chapter, and the scale ticket or warehouse receipt issued therefor provides for the return of a like amount of like kind, grade, and class to the holder thereof, such delivery shall be a bailment and not a sale of the commodity so delivered. In no case shall such commodities be liable to seizure upon process of any court in an action against such bailee, except action by the

legal holder of the warehouse receipt to enforce the terms thereof. Such commodities, in the event of failure or insolvency of such bailee, shall be applied exclusively to the redemption of such outstanding warehouse receipts and scale weight tickets covering commodities so stored with such bailee. The commodities on hand in any warehouse or warehouses with a particular license, as provided in RCW 22.09.030, shall be applied to the redemption and satisfaction of warehouse receipts and scale weight tickets which were issued pursuant to the particular license. Commodities in special piles or special bins shall be applied exclusively against the warehouse receipts or scale weight tickets issued therefor.

**NEW SECTION.** Sec. 24. A new section is added to chapter 22.09 RCW to read as follows:

Every person who fails to comply with this chapter, or any rule adopted under it, may be subjected to a civil penalty, as determined by the director, in an amount of not more than one thousand dollars for every such violation. Each and every violation shall be a separate and distinct offense. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this chapter and may be subject to the penalty provided for in this section.

**NEW SECTION.** Sec. 25. A new section is added to chapter 69.04 RCW to read as follows:

All retail sales of fresh or frozen lamb products which are imported from another country shall be labelled with the country of origin. For the purposes of this section "imported lamb products" shall include but not be limited to, live lambs imported from another country but slaughtered in the United States.

**NEW SECTION.** Sec. 26. A new section is added to chapter 15.04 RCW to read as follows:

The department of agriculture is authorized to develop, in cooperation with Washington State University and other state agencies, an informational guide to programs offered by state and federal agencies which would be of assistance to farm families. The informational guide shall be made available to farmers and ranchers through county extension offices, farm organizations, and other appropriate means.

**NEW SECTION.** Sec. 27. The following acts or parts of acts are each repealed:

- (1) Section 14, chapter 412, Laws of 1985 and RCW 16.59.010;
- (2) Section 15, chapter 412, Laws of 1985 and RCW 16.59.020;
- (3) Section 17, chapter 412, Laws of 1985 and RCW 16.59.030;
- (4) Section 18, chapter 412, Laws of 1985 and RCW 16.59.040;
- (5) Section 16, chapter 412, Laws of 1985 and RCW 16.59.050;
- (6) Section 19, chapter 412, Laws of 1985 and RCW 16.59.060;
- (7) Section 20, chapter 412, Laws of 1985 and RCW 16.59.070; and

(8) Section 24, chapter 412, Laws of 1985 and RCW 16.59.900.

**NEW SECTION.** Sec. 28. Sections 15 and 27 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.

Passed the House April 24, 1987.

Passed the Senate April 23, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

## CHAPTER 394

[Substitute House Bill No. 231]

### GROUND WATER MANAGEMENT—WATER WELL CONSTRUCTION

AN ACT Relating to ground water management; amending RCW 18.104.070; and adding new sections to chapter 18.104 RCW.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. A new section is added to chapter 18.104 RCW to read as follows:

The department of ecology may levy a civil penalty of up to one hundred dollars per day for violation of this chapter or rules or orders of the department adopted or issued pursuant to it. Procedures of RCW 90.48.144 shall be applicable to all phases of levying of such a penalty as well as review and appeal of them. For each notice regarding a violation, resulting from the improper construction of a well, that is sent to a water well contractor or water well construction operator, the department shall send a copy of the notice for information purposes only to the owner of the land on which the improperly constructed well is located.

Sec. 2. Section 7, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.070 are each amended to read as follows:

Except as provided in RCW 18.104.180, no person may contract to engage in the construction of a water well and no person may act as an operator without first obtaining a license by applying to the department.

A person shall be qualified to receive a water well construction operators license if he:

(1) Has made application therefor to the department and has paid to the department an application fee of twenty-five dollars; and

(2) Has at least two years of field experience with a licensed well driller or one year of field experience and an equivalent of at least one school year of qualifying educational training that satisfies the criteria established by department rule; and

(3) Has passed a written examination as provided for in RCW 18.104.080: PROVIDED, That should any applicant establish his illiteracy to the



satisfaction of the department, such applicant shall be entitled to an oral examination in lieu of the written examination authorized herein.

~~((Licensees hereunder shall, in order to construct water wells, be exempt from the registration requirements of chapter 18.27 RCW.))~~

**NEW SECTION.** Sec. 3. A new section is added to chapter 18.104 RCW to read as follows:

To enable the department to monitor the construction, reconstruction, and abandonment of water wells more efficiently and effectively, water well contractors shall provide notification to the department of their intent to begin construction, reconstruction, or abandonment procedures at least seventy-two hours in advance of commencing work. The notification shall be submitted on forms provided by the department and shall contain the name of the owner of the well, location of the well, proposed use, approximate start date, driller's name and license number, drilling company's name, and other pertinent information as prescribed by rule of the department. Rules of the department shall also provide for prior telephonic notification by well drillers in exceptional situations.

Passed the House March 2, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

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## CHAPTER 395

[Engrossed Senate Bill No. 5085]

### WAREHOUSEMAN LIENS

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

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 7-209, chapter 157, Laws of 1965 ex. sess. and RCW 62A.7-209 are each amended to read as follows:

(1) A warehouseman has a lien against the bailor on the goods covered by a warehouse receipt or on the proceeds thereof in his possession for charges for storage or transportation (including demurrage and terminal charges), insurance, labor, or charges present or future in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for like charges or expenses in relation to other goods whenever deposited and it is stated in the receipt that a lien is claimed for charges and expenses in relation to other goods, the warehouseman also has a lien against him for such charges and expenses whether or not the other goods have been delivered by the warehouseman. But against a person to whom a negotiable warehouse receipt is duly negotiated a warehouseman's lien is limited to charges in an amount or at a rate specified on

the receipt or if no charges are so specified then to a reasonable charge for storage of the goods covered by the receipt subsequent to the date of the receipt. A warehouseman's lien as provided in this chapter takes priority over all other liens and perfected or unperfected security interests.

(2) The warehouseman may also reserve a security interest against the bailor for a maximum amount specified on the receipt for charges other than those specified in subsection (1), such as for money advanced and interest. Such a security interest is governed by the Article on Secured Transactions (Article 9).

(3) A warehouseman's lien for charges and expenses under subsection (1) or a security interest under subsection (2) is also effective against any person who so entrusted the bailor with possession of the goods that a pledge of them by him to a good faith purchaser for value would have been valid but is not effective against a person as to whom the document confers no right in the goods covered by it under RCW 62A.7-503.

(4) A warehouseman loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

Passed the Senate February 6, 1987.

Passed the House April 8, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

## CHAPTER 396

[Substitute House Bill No. 734]

### EROTIC MATERIALS—ACCESS OF MINORS

AN ACT Relating to minor access to erotic materials; adding new sections to chapter 9.68A RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 9.68A RCW to read as follows:

For the purposes of sections 1 through 3 of this act:

(1) "Minor" means any person under the age of eighteen years.

(2) "Erotic materials" means 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.

(3) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to, or before an audience of one or more, with or without consideration.

(4) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

**NEW SECTION.** Sec. 2. A new section is added to chapter 9.68A RCW to read as follows:

No person may knowingly allow a minor to be on the premises of a commercial establishment open to the public if there is a live performance containing matter which is erotic material.

**NEW SECTION.** Sec. 3. A new section is added to chapter 9.68A RCW to read as follows:

Any person who is convicted of violating any provision of section 2 of this act is guilty of a gross misdemeanor.

**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.

Passed the House April 24, 1987.

Passed the Senate April 24, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

## CHAPTER 397

[Engrossed Substitute Senate Bill No. 5850]

### SPEED LIMIT INCREASE—MOTOR VEHICLE INSURANCE RATE INCREASES BASED ON ABSTRACT INFORMATION LIMITED

AN ACT Relating to traffic infractions; amending RCW 46.52.130, 46.61.405, 46.61.410, and 46.63.070; creating a new section; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. It is the intent of the legislature to increase the speed limit to sixty-five miles per hour on those portions of the rural interstate highway system where the increase would be safe and reasonable and is allowed by federal law. It is also the intent of the legislature that the sixty-five miles per hour speed limit be strictly enforced.

Sec. 2. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter 74, Laws of 1986 and RCW 46.52.130 are each amended to read as follows:

Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering the

employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering the named individual, or the insurance carrier to which the named individual has applied. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years, and the abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; and any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

The abstract provided to an insurance company shall have excluded from it any information pertaining to any occupational driver's license when the license is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction or finding of a traffic infraction involving a motor vehicle offense outside the scope of his principal employment, and who has during that period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each abstract the sum of three dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, ~~((or)) denied, or have the rate increased~~ on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving the certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon

the public highways of this state and shall not divulge any information contained in it to a third party.

Any violation of this section is a gross misdemeanor.

Sec. 3. Section 2, chapter 16, Laws of 1963 as last amended by section 34, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.405 are each amended to read as follows:

Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed (~~hereinbefore~~) set forth (~~would aid in the conservation of energy resources~~) in RCW 46.61.400 is necessary in order to comply with a national maximum speed limit, the secretary may determine and declare a reasonable and safe lower maximum limit or a lower maximum limit which will (~~reasonably conserve energy resources~~) comply with a national maximum speed limit, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The secretary may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, as now or hereafter amended.

Sec. 4. Section 3, chapter 16, Laws of 1963 as last amended by section 35, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.410 are each amended to read as follows:

(1) (a) Subject to subsection (2) (~~below~~) of this section the secretary may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever the secretary determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway.

(b) If the federal government increases the national maximum speed limit to at least sixty-five miles per hour on any part of the highway system, the secretary of transportation shall forthwith increase to that same speed

the maximum speed limit on any such highway or portion thereof then posted at fifty-five miles per hour to a maximum of sixty-five miles per hour, subject to subsection (2) of this section, if such limit had been established for that highway or portion thereof in order to comply with the former national maximum speed limit. However, if an engineering and traffic investigation conducted by the department clearly indicates that a speed limit above fifty-five miles an hour would be unsafe for that highway or a portion thereof, the secretary of transportation shall not increase the speed limit for that highway or portion thereof above the safe speed indicated by the investigation. The speed limit on interstate route number 5 between Everett and Olympia may not be increased above fifty-five miles per hour under this subsection (b).

(c) The greater maximum limit ((so determined)) established under (a) or (b) of this subsection shall be effective(;) when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(d) Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the secretary as provided in RCW 46.61.405(~~(, as now or hereafter amended)~~).

(3) The word "trucks" used by the department on signs giving notice of maximum speed limits (~~shall~~) means vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the secretary (~~shall~~) establishes maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary shall cause to be mailed notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington.

**\*Sec. 5. Section 9, chapter 136, Laws of 1979 ex. sess. as last amended by section 3, chapter 224, Laws of 1984 and RCW 46.63.070 are each amended to read as follows:**

**(1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.**

**(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.**

**(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.**

**(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.**

**(5) (a) If any person issued a notice of traffic infraction:**

**(i) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or**

**(ii) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section;**

**the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the department in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.**

**(b) The department may not renew the driver's license, or in the case of a standing, stopping, or parking violation the vehicle license, of any person for whom the court has entered an order pursuant to (a) of this subsection until any penalties imposed pursuant to this chapter have been satisfied. Upon the driver's second outstanding failure to respond to a notice of infraction or**

**to appear at a requested hearing, the department shall suspend the driver's license until any penalties imposed pursuant to this chapter have been satisfied. For purposes of driver's license suspension or nonrenewal only, the lessee of a vehicle shall be considered to be the person to whom a notice of a standing, stopping, or parking violation has been issued for such violations of the vehicle incurred while the vehicle was leased or rented under a bona fide commercial lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner, if the lease agreement contains a provision prohibiting anyone other than the lessee from operating the vehicle. Such a lessor shall, upon the request of the municipality issuing the notice of infraction, supply the municipality with the name and driver's license number of the person leasing the vehicle at the time of the infraction.**

\*Sec. 5 was vetoed, see message at end of chapter.

Passed the Senate April 22, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 15, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 15, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

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## CHAPTER 398

[Substitute House Bill No. 325]

### LEARNING DISABILITIES PROGRAMS—CURRICULUM-BASED ASSESSMENT PROCEDURES

AN ACT Relating to curriculum based assessment of students for learning disabled programs; and adding a new section to chapter 28A.03 RCW.

Be it enacted by the Legislature of the State of Washington:



**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.

Passed the House April 21, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

## CHAPTER 399

[Engrossed Substitute House Bill No. 571]

### MUNICIPAL WATER TREATMENT PLANTS—DISCHARGE RESTRICTIONS REVISED

AN ACT Relating to municipal water treatment plants; and amending RCW 90.52.040 and 90.54.020.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 4, chapter 160, Laws of 1971 ex. sess. and RCW 90.52.040 are each amended to read as follows:

Except as provided in RCW 90.54.020(3)(b), in the administration of the provisions of chapter 90.48 RCW, the director of the department of ecology shall, regardless of the quality of the water of the state to which wastes are discharged or proposed for discharge, and regardless of the minimum water quality standards established by the director for said waters, require wastes to be provided with all known, available, and reasonable methods of treatment prior to their discharge or entry into waters of the state.

Sec. 2. Section 2, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.020 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power

production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

(5) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(6) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state.

(7) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within

the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

(8) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

(9) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

(10) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

Passed the House March 16, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

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## CHAPTER 400

[Senate Bill No. 5428]

### ORDINANCE PUBLICATION REQUIREMENTS FOR CERTAIN CITIES AND TOWNS—SUMMARY OF ORDINANCE AUTHORIZED

AN ACT Relating to cities and towns; and amending RCW 35.24.220, 35.27.300, and 35A.12.160.

Be it enacted by the Legislature of the State of Washington:

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.

Passed the Senate April 25, 1987.

Passed the House April 17, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

## CHAPTER 401

[Substitute House Bill No. 786]

### SCHOOLS—EDUCATIONAL OUTCOMES

AN ACT Relating to encouragement and measurement of innovative programs by school districts; creating new sections; making an appropriation; and providing expiration dates.

Be it enacted by the Legislature of the State of Washington:

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 sixty 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.

Passed the House April 23, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

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CHAPTER 402

[Senate Bill No. 5550]

SEXUAL OFFENDERS—SENTENCING AND TREATMENT REVISED

AN ACT Relating to sexual offenders; amending RCW 9.94A.123; reenacting and amending RCW 9.94A.120; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. 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 any felony sexual offense committed before 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, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the

treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may 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.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) 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.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, (~~if~~) 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.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in ~~((b))~~ (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

~~((After June 30, 1993, (b) of this subsection shall cease to have effect.~~

~~(c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:~~

~~(i) Crime-related provisions;~~

~~(ii) A requirement that the offender report to a community corrections officer at regular intervals; and~~

~~(iii) A requirement to remain within or without stated geographical boundaries.~~

~~The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.~~

~~If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision.~~

~~The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction:))~~

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines 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) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

Sec. 2. Section 1, chapter 301, Laws of 1986 and RCW 9.94A.123 are each amended to read as follows:

The legislature finds that the sexual offender treatment programs at western and eastern state hospitals, while not proven to be totally effective, may be of some benefit in positively affecting the behavior of certain sexual offenders. Given the significance of the problems of sexual assault and sexual abuse of children, it is therefore appropriate to review and revise these treatment efforts.

At the same time, concerns regarding the lack of adequate security at the existing programs must be satisfactorily addressed. In an effort to promote public safety, it is the intent of the legislature to transfer the responsibility for felony sexual offenders from the department of social and health services to the department of corrections.

Therefore, ~~((on and after July 1, 1987;))~~ no person ~~((convicted of))~~ committing a felony sexual offense on or after July 1, 1987, may be committed under RCW 9.94A.120(7)(b) to the department of social and health services at eastern state hospital or western state hospital. Any person committed ~~((before July 1, 1987;))~~ to the department of social and health services under RCW 9.94A.120(7)(b) for an offense committed before July 1, 1987, and still in the custody of the department of social and health services on June 30, 1993, shall be transferred to the custody of the department of corrections. ~~((On and after July 1, 1987;))~~ Any person eligible for evaluation or treatment under RCW 9.94A.120(7)(b) shall be committed to the department of corrections.

**NEW SECTION.** Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

Passed the Senate April 25, 1987.

Passed the House April 25, 1987.

Approved by the Governor May 15, 1987.

Filed in Office of Secretary of State May 15, 1987.

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## CHAPTER 403

[Engrossed Substitute House Bill No. 4]

### PUBLIC DISCLOSURE—RIGHT TO PRIVACY—LAW ENFORCEMENT REQUESTS FOR PUBLIC UTILITY RECORDS

AN ACT Relating to public records under the public disclosure law; amending RCW 42.17.260, 42.17.270, and 42.17.340; adding new sections to chapter 42.17 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature intends to restore the law relating to the release of public records largely to that which existed prior to

the Washington Supreme Court decision in "In re Rosier," 105 Wn.2d 606 (1986). The intent of this legislation is to make clear that: (1) Absent statutory provisions to the contrary, agencies possessing records should in responding to requests for disclosure not make any distinctions in releasing or not releasing records based upon the identity of the person or agency which requested the records, and (2) agencies having public records should rely only upon statutory exemptions or prohibitions for refusal to provide public records. Further, to avoid unnecessary confusion, "privacy" as used in section 2 of this 1987 act is intended to have the same meaning as the definition given that word by the Supreme Court in "Hearst v. Hoppe," 90 Wn.2d 123, 135 (1978).

**NEW SECTION.** Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specified in this chapter as express exemptions from the public's right to inspect, examine, or copy public records.

Sec. 3. Section 26, chapter 1, Laws of 1973 as amended by section 14, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.260 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (5) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.04 RCW.

Sec. 4. Section 27, chapter 1, Laws of 1973 as amended by section 15, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.270 are each amended to read as follows:

Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.17.260(5) or other statute which exempts or prohibits disclosure of specific information or records to



certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.

Sec. 5. Section 34, chapter 1, Laws of 1973 as amended by section 20, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.340 are each amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is ((required)) in accordance with a statute that exempts or prohibits disclosure in whole or in part of specific information or records.

(2) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record.

NEW SECTION. Sec. 6. A new section is added to chapter 42.17 RCW to read as follows:

A law enforcement authority may not request inspection or copying of records of any person, which belong to a public utility district or a municipally owned electrical utility, unless the authority provides the public utility district or municipally owned electrical utility with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Information obtained in violation of this rule is inadmissible in any criminal proceeding.

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.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 404

[Engrossed Substitute Senate Bill No. 5143]

### PUBLIC DISCLOSURE—JOB APPLICATIONS, EMPLOYEE AND VOLUNTEER RESIDENTIAL INFORMATION, AND PUBLIC UTILITY CUSTOMER RESIDENTIAL INFORMATION

AN ACT Relating to exemption from public disclosure of the contents of public employment applications and the addresses and telephone numbers of natural persons; reenacting and amending RCW 42.17.310; and adding new sections to chapter 42.17 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 31, chapter 1, Laws of 1973 as last amended by section 7, chapter 276, Laws of 1986 and by section 25, chapter 299, Laws of 1986 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or

candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Except as provided under section 2 of this 1987 act, all applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(r) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(s) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**\*NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:**

***All applications and resumes of persons who apply for an executive position with an agency shall be available for public inspection and copying unless the agency: (1) Has adopted a policy requiring the agency's preparation of a list of applicants that includes all applicants who have submitted information in addition to that requested by the public agency in the original application; and (2) makes that list, together with the applications and resumes of the persons on the list, available for public inspection when selected and at least five days before it makes its final selection. The term "executive position" means any position the primary duties of which consist of the management of the public agency by which the person is employed or of a customarily recognized department.***

\*Sec. 2 was vetoed, see message at end of chapter.

**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.

Passed the Senate April 18, 1987.

Passed the House April 13, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

## CHAPTER 405

[Engrossed Second Substitute House Bill No. 16]

## WOOD STOVES

AN ACT Relating to wood stoves; amending RCW 70.94.331, 70.94.380, and 82.32.210; adding new sections to chapter 70.94 RCW; creating a new section; and repealing RCW 70.94.770.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. In the interest of the public health and welfare and in keeping with the objectives of RCW 70.94.011, the legislature declares it to be the public policy of the state to control, reduce, and prevent air pollution caused by wood stove emissions. It is the state's policy to reduce wood stove emissions by encouraging the department of ecology to continue efforts to educate the public about the effects of wood stove emissions, other heating alternatives, and the desirability of achieving better emission performance and heating efficiency from wood stoves. The legislature further declares that: (1) The purchase of certified wood stoves will not solve the problem of pollution caused by wood stove emissions; and (2) the reduction of air pollution caused by wood stove emissions will only occur when wood stove users adopt proper methods of wood burning.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 12 of this act:

(1) "Department" means the department of ecology.

(2) "Wood stove" means a solid fuel burning device other than a fireplace not meeting the requirements of section 4 of this act, including any fireplace insert, wood stove, wood burning heater, wood stick boiler, coal-fired furnace, coal stove, or similar device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour. The term "wood stove" does not include wood cook stoves.

(3) "Fireplace" means: (a) Any permanently installed masonry fireplace; or (b) any factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.

(4) "New wood stove" means: (a) A wood stove that is sold at retail, bargained, exchanged, or given away for the first time by the manufacturer, the manufacturer's dealer or agency, or a retailer; and (b) has not been so used to have become what is commonly known as "second hand" within the ordinary meaning of that term.

(5) "Solid fuel burning device" means any device for burning wood, coal, or any other nongaseous and nonliquid fuel, including a wood stove and fireplace.

(6) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(7) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage. The methods approved by the department in accordance with RCW 70.94.331 shall be used to establish opacity for the purposes of this chapter.

**NEW SECTION.** Sec. 3. The department of ecology shall establish a program to educate wood stove dealers and the public about:

- (1) The effects of wood stove emissions on health and air quality;
- (2) Methods of achieving better efficiency and emission performance from wood stoves;
- (3) Wood stoves that have been approved by the department;
- (4) The benefits of replacing inefficient wood stoves with stoves approved under section 4 of this act.

**NEW SECTION.** Sec. 4. Before January 1, 1988, the department of ecology shall establish by rule under chapter 34.04 RCW:

(1) State-wide emission performance standards for new wood stoves. Notwithstanding any other provision of this chapter which allows an authority to adopt more stringent emission standards, no authority shall adopt any emission standard for new wood stoves other than the state-wide standard adopted by the department under this section.

(a) For new wood stoves sold after July 1, 1988, the state-wide performance standard, by rule, shall be the equivalent of and consistent with state-wide emission standards in effect in bordering states on or before January 1, 1987. For solid fuel burning devices for which bordering states have not established emission standards, the department may temporarily exempt or establish, by rule, state-wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves regulated by this subsection.

(b) Notwithstanding (a) of this subsection, the department is authorized to adopt, by rule, emission standards adopted by the United States environmental protection agency for new wood stoves sold at retail. For solid fuel burning devices for which the United States environmental protection agency has not established emission standards, the department may temporarily exempt or establish, by rule, state-wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves regulated under this subsection.

(2) A program to:

(a) Determine whether a new wood stove complies with the state-wide emission performance standards established in subsection (1) of this section; and

(b) Approve the sale of stoves that comply with the state-wide emission performance standards.

**NEW SECTION.** Sec. 5. (1) Before January 1, 1988, the department shall establish, by rule under chapter 34.04 RCW, state-wide opacity levels for residential solid fuel burning devices as follows:

(a) A state-wide opacity level of twenty percent for the purpose of public education;

(b) Until July 1, 1990, a state-wide opacity level of forty percent for the purpose of enforcement on a complaint basis; and

(c) After July 1, 1990, a state-wide opacity level of twenty percent for the purpose of enforcement on a complaint basis.

(2) Notwithstanding any other provision of this chapter which may allow an authority to adopt a more stringent opacity level, no authority shall adopt or enforce an opacity level:

(a) Lower than forty percent until July 1, 1990; and

(b) Lower than twenty percent after July 1, 1990.

**NEW SECTION.** Sec. 6. Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(1) Not burn wood in any solid fuel heating device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;

(2) Not burn wood in any solid fuel heating device, except wood stoves which meet the standards set forth in section 4 of this act, in the geographical area and for the period of time that impaired air quality has been determined, by the department or any authority, for that area. For the purposes of this section, impaired air quality shall mean air contaminant concentrations nearing unhealthful levels concurrent with meteorological conditions that are conducive to an accumulation of air contamination. If, after July 1, 1990, the department determines that there is quantitative evidence that wood stoves meeting the requirements of section 4 of this act are contributing to impaired air quality, the department or any authority may prohibit burning of all solid fuel burning devices as provided by this section including those meeting the requirements of section 4 of this act.

**NEW SECTION.** Sec. 7. After July 1, 1988, no person shall sell, offer to sell, or knowingly advertise to sell a new wood stove in this state unless the wood stove has been approved by the department under the program established under section 4 of this act.

**NEW SECTION.** Sec. 8. After July 1, 1988, any person who sells, offers to sell, or knowingly advertises to sell a new wood stove in this state in violation of section 7 of this act shall be subject to the penalties and enforcement actions under this chapter.



**NEW SECTION.** Sec. 9. Unless allowed by rule, under chapter 34.04 RCW, a person shall not cause or allow any of the following materials to be burned in any residential solid fuel burning device:

- (1) Garbage;
- (2) Treated wood;
- (3) Plastics;
- (4) Rubber products;
- (5) Animals;
- (6) Asphaltic products;
- (7) Waste petroleum products;
- (8) Paints; or
- (9) Any substance, other than properly seasoned fuel wood, which normally emits dense smoke or obnoxious odors.

**NEW SECTION.** Sec. 10. (1) The wood stove education account is hereby created in the general fund. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under section 3 of this act and shall be subject to legislative appropriation.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee, not to exceed five dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device, excepting masonry fireplaces, after January 1, 1988. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above five dollars according to changes in the consumer price index after January 1, 1989. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall transmit the moneys to the wood stove education account.

**NEW SECTION.** Sec. 11. The department shall establish an advisory committee to participate in the development of rules regulating wood stoves, the design and implementation of the public education program under section 3 of this act, and in establishing the fee and budget for the public education program. This committee shall include, but not be limited to, representatives of the wood and coal heating industry, environmental groups, concerned citizens, the chimney cleaning industry, and affected government agencies.

**NEW SECTION.** Sec. 12. Nothing in section 7 or 8 of this act shall apply to a radio station, television station, publisher, printer, or distributor

of a newspaper, magazine, billboard, or other advertising medium that accepts advertising in good faith and without knowledge of its violation of sections 2 through 12 of this act.

Sec. 13. Section 46, chapter 238, Laws of 1967 as last amended by section 4, chapter 372, Laws of 1985 and RCW 70.94.331 are each amended to read as follows:

(1) The state board shall have all the powers as provided in RCW 70.94.141.

(2) The state board, in addition to any other powers vested in it by law after consideration at a public hearing held in accordance with chapter ~~(42.32)~~ 42.30 RCW and chapter 34.04 RCW shall:

(a) Adopt rules and regulations establishing air quality objectives and air quality standards;

(b) Adopt emission standards which shall constitute minimum emission standards throughout the state. An authority may enact more stringent emission standards, except for emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices which shall be state-wide, but in no event may less stringent standards be enacted by an authority without the prior approval of the state board after public hearing and due notice to interested parties;

(c) Adopt by rule and regulation air quality standards and emission standards for the control or prohibition of emissions to the outdoor atmosphere of radionuclides, dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof. Such requirements may be based upon a system of classification by types of emissions or types of sources of emissions, or combinations thereof, which it determines most feasible for the purposes of this chapter.

(3) The air quality standards and emission standards may be for the state as a whole or may vary from area to area, except that emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices shall be state-wide, as may be appropriate to facilitate the accomplishment of the objectives of this chapter and to take necessary or desirable account of varying local conditions of population concentration, the existence of actual or reasonable foreseeable air pollution, topographic and meteorologic conditions and other pertinent variables.

(4) The state board is directed to cooperate with the appropriate agencies of the United States or other states or any interstate agencies or international agencies with respect to the control of air pollution and air contamination, or for the formulation for the submission to the legislature of interstate air pollution control compacts or agreements.

(5) The state board is directed to conduct or cause to be conducted a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

(6) The state board shall enforce the air quality standards and emission standards throughout the state except where a local authority is enforcing the state regulations or its own regulations which are more stringent than those of the state.

(7) The state board shall encourage local units of government to handle air pollution problems within their respective jurisdictions; and, on a cooperative basis provide technical and consultative assistance therefor.

(8) The state board shall have the power to require the addition to or deletion of a county from an existing authority in order to carry out the purposes of this chapter: PROVIDED, HOWEVER, That no such addition or deletion shall be made without the concurrence of any existing authority involved. Such action shall only be taken after a public hearing held pursuant to the provisions of chapter 34.04 RCW.

Sec. 14. Section 50, chapter 238, Laws of 1967 as last amended by section 13, chapter 30, Laws of 1979 ex. sess. and RCW 70.94.380 are each amended to read as follows:

(1) Every activated authority operating an air pollution control program shall have requirements for the control of emissions which are no less stringent than those adopted by the department of ecology for the geographic area in which such air pollution control program is located. Less stringent requirements than compelled by this section may be included in a local or regional air pollution control program only after approval by the department of ecology following demonstration to the satisfaction of the department of ecology that the proposed requirements are consistent with the purposes of this chapter: PROVIDED, That such approval shall be preceded by public hearing, of which notice has been given in accordance with chapter ~~((42.32))~~ 42.30 RCW. The department of ecology, upon receiving evidence that conditions have changed or that additional information is relevant to a decision with respect to the requirements for emission control, may, after public hearing on due notice, withdraw any approval previously given to a less stringent local or regional requirement.

Nothing in this chapter shall be construed to prevent a local or regional air pollution control authority from adopting and enforcing more stringent emission control requirements than those adopted by the department of ecology and applicable within the jurisdiction of the local or regional air pollution control authority, except that the emission performance standards for new wood stoves and the opacity levels for residential solid fuel burning devices shall be state-wide.

Sec. 15. Section 82.32.210, chapter 15, Laws of 1961 as last amended by section 8, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.32.210 are each amended to read as follows:

If any fee, tax, increase, or penalty or any portion thereof is not paid within fifteen days after it becomes due, the department of revenue may issue a warrant under its official seal in the amount of such unpaid sums, together with interest thereon at the rate of one percent of the amount of such warrant for each thirty days or portion thereof after the date of such warrant. If, however, the department of revenue believes that a taxpayer is about to cease business, leave the state, or remove or dissipate the assets out of which fees, taxes or penalties might be satisfied and that any tax or penalty will not be paid when due, it may declare the fee, tax or penalty to be immediately due and payable and may issue a warrant immediately.

The department shall file a copy of the warrant with the clerk of the superior court of any county of the state in which real and/or personal property of the taxpayer may be found. Upon filing, the clerk shall enter in the judgment docket, the name of the taxpayer mentioned in the warrant and in appropriate columns the amount of the fee, tax or portion thereof and any increases and penalties for which the warrant is issued and the date when the copy is filed, and thereupon the amount of the warrant so docketed shall become a specific lien upon all goods, wares, merchandise, fixtures, equipment, or other personal property used in the conduct of the business of the taxpayer against whom the warrant is issued, including property owned by third persons who have a beneficial interest, direct or indirect, in the operation of the business, and no sale or transfer of the personal property in any way affects the lien. The lien shall not be superior, however, to bona fide interests of third persons which had vested prior to the filing of the warrant when the third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than the securing of the payment of a debt or the receiving of a regular rental on equipment: PROVIDED, HOWEVER, That the phrase "bona fide interests of third persons" does not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed the chattel or real property mortgage or the document evidencing the credit transaction. The amount of the warrant so docketed shall thereupon also become a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued the same as a judgment in a civil case duly docketed in the office of the clerk. The warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the state in the manner provided by law in the case of judgments wholly or partially unsatisfied.

NEW SECTION. Sec. 16. Section 8, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.770 are each repealed.

NEW SECTION. Sec. 17. Sections 2 through 12 of this act are each added to chapter 70.94 RCW.

**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.

Passed the House April 20, 1987.

Passed the Senate April 8, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 406

[Substitute House Bill No. 646]

### ALCOHOLISM AND DRUG ADDICTION TREATMENT AND SUPPORT ACT

AN ACT Relating to alcoholism and drug addiction treatment and shelter and general assistance—unemployable; amending RCW 74.04.005, 74.08.280, 74.09.010, and 74.09.035; and adding a new chapter to Title 74 RCW.

Be it enacted by the Legislature of the State of Washington:

**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 case-load 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 multi-purpose 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)(ii)(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.

Passed the House April 23, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

CHAPTER 407

[House Bill No. 171]

COMMUNITY COLLEGE—FEES FOR CONTRACTED SERVICES ARE TO  
REFLECT LEGISLATED SALARY INCREASES

AN ACT Relating to community colleges; and amending RCW 28B.50.140 and 28B.50.100.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. 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;

(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 including any salary increases authorized by the legislature for community college employees during the term of the agreement: **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.

**\*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.**

**\*Sec. 2 was vetoed, see message at end of chapter.**

Passed the House April 22, 1987.

Passed the Senate April 17, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 2, House Bill No. 171, entitled:

"AN ACT Relating to community colleges."

Section 2 amends RCW 28B.50.100, which is also amended by duplicate language in section 1001 of Engrossed Substitute House Bill No. 454, which I have already signed. Therefore, I have vetoed section 2 to avoid duplication.

With the exception of section 2, House Bill No. 171 is approved."

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CHAPTER 408

[Engrossed Substitute Senate Bill No. 5533]  
OCEAN RESOURCES ASSESSMENT

AN ACT Relating to the preparation of an ocean resources assessment; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that:

(1) The marine waters off Washington's coast and the shorelands in proximity to the Pacific Ocean contain human, environmental, and natural resource values which are important to Washington citizens and businesses, and which should receive full consideration prior to any decision to lease portions of the outer continental shelf for oil and gas exploration and development;

(2) These resources include those related to recreational development, commercial fisheries development and management, effective use of coastal communities, ports and harbors, and the beneficial use and protection of shorelands and marine waters;

(3) The United States department of the interior, mineral management service, is planning to conduct a sale of oil and gas lease tracts off Washington's coast in 1991;

(4) The mineral management service will sponsor studies beginning in 1989 to gather human, environmental, and resource information for their environmental impact statement and they will ask Washington state for guidance and suggestions on particular topics of study;

(5) In other offshore regions of the United States, the lack of scientific information has impaired the ability of coastal states to direct oil and gas activity to those areas where the potential benefits are greatest and the environmental risks the least significant. A comprehensive scientific understanding of coastal and marine resources will enhance efforts to protect vital state interests;

(6) The state of Washington must begin in 1987 to conduct a review of existing data, studies and expertise about the marine waters off Washington's coast and the shorelands in proximity to the Pacific Ocean in order to select the best topics for study to be sponsored by the mineral management service; and

(7) The information collected and analyzed will be useful to the economic development and marine resource protection interests of the state.

**NEW SECTION.** Sec. 2. The director of the Washington state sea grant program shall administer the ocean resources assessment for Washington to conduct a comprehensive synthesis and analysis of existing data, studies, and expertise about human, environmental, and natural resource values that are associated with and potentially affected by an oil and gas lease sale on the outer continental shelf adjacent to the coast of Washington; and, to identify gaps in knowledge, and research plans to fill those gaps, that should occur before leasing takes place. 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.

**NEW SECTION.** Sec. 3. The director of the Washington sea grant program shall select particular investigators to perform the assessment through submission of proposals and a peer-review selection process that will be open to any qualified individual. The tasks to be undertaken and the criteria for proposal submission and review shall be determined by the provisions of this act and by the director of the Washington sea grant program in consultation with tribal nations and the state departments of ecology, agriculture, parks and recreation, trade and economic development, natural resources, fisheries, game, and community development.

The synthesis and analysis shall result in maps and technical reports summarizing relevant information and synthesizing existing data, and it shall result in a detailed plan for studies to address human, environmental, and natural resources issues related to outer continental shelf leasing.

**NEW SECTION.** Sec. 4. The director of the Washington sea grant program shall submit the assessment to the 1989 legislature on the results of the information gathered by the investigators.

The assessment shall consider topics of potential use in the minerals management service environmental impact statement and shall include, as a minimum, the following:

(1) Socioeconomic studies such as recreational and fisheries development, use of ports and shorelands, Indian treaty rights, fishing patterns and management plans, oil-spill contingency planning, and multiple-use conflicts;

(2) Water column and biological studies such as primary productivity, circulation, hydrography and nutrients, plankton and benthos, crabs, shrimp, groundfish, pelagic and anadromous fish, seabirds, and mammals; and

(3) Environmental quality studies assessing issues such as biogeochemistry, pollutants, transport of drilling muds and oil, and fish behavior.

The director of the Washington sea grant program may issue periodic reports to the governor and the legislature.

Passed the Senate April 21, 1987.

Passed the House April 15, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 409

[Second Substitute Senate Bill No. 5453]

### RESPIRE CARE

AN ACT Relating to long-term care services; amending section 2, chapter 158, Laws of 1984 (uncodified); amending section 3, chapter 158, Laws of 1984 (uncodified); amending section 4, chapter 158, Laws of 1984 (uncodified); amending section 5, chapter 158, Laws of 1984 (uncodified); amending section 7, chapter 158, Laws of 1984 (uncodified); creating a new chapter in Title 74 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

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. The responsibilities of the selected area agencies on aging (~~(will be responsible for)~~) shall include but not be limited to: Negotiating rates of payment (~~(and developing)~~), administering sliding-fee scales to enable eligible participants (~~(and caregivers)~~) to participate in paying for respite care, and arranging for respite care services. Rates of payment to respite care service providers shall not exceed, and may be less than, rates paid by

the department to ~~((the same))~~ providers for ~~((other than respite care))~~ the same level of service.

Sec. 5. Section 7, chapter 158, Laws of 1984 (uncodified) is amended to read as follows:

(1) The area agencies administering respite care ~~((demonstration projects))~~ programs shall~~((:~~

~~((a))~~ maintain data which indicates demand for respite care, and which includes information on in-home and out-of-home day care and in-home and out-of-home overnight care demand~~((; and~~

~~((b) Make a comparison of the relative cost-effectiveness of the several types of respite care with all other programs and services which are intended to forestall institutionalization))~~.

(2) ~~((The department shall conduct a survey of all public assistance patients accepted by long-term care facilities in each participating planning and service area to determine the extent to which each of them availed themselves of services designed to defer institutionalization.~~

~~((3))~~ The department shall provide a progress report to the legislature on the respite care ~~((demonstration projects))~~ programs authorized in this ~~((act, not later than January 1, 1985))~~ chapter. The 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. 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.

Passed the Senate April 26, 1987.

Passed the House April 26, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 410

[Substitute House Bill No. 876]

### METHADONE TREATMENT

AN ACT Relating to methadone treatment; amending RCW 69.54.010, 69.54.030, and 69.54.035; adding a new section to chapter 69.54 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 304, Laws of 1971 ex. sess. as amended by section 13, chapter 193, Laws of 1982 and RCW 69.54.010 are each amended to read as follows:

It is the purpose of this chapter to provide the financial assistance necessary to enable the department of social and health services to offer a meaningful program of rehabilitation for those persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol and to develop a ~~((community educational))~~ program ~~((as to those))~~ to educate the citizens of the state about these problems ~~((for the benefit of the state's population generally))~~. Such programs can develop in the people of this state a knowledge of the problems caused by alcohol and drug abuse, an acceptance of responsibility for alcohol and drug related problems, an understanding of the causes and consequences of the use and abuse of alcohol and drugs, and thus may prevent many problems from occurring.

It is the further purpose of this chapter to provide for qualified drug treatment centers approved by the department of social and health services.

The state of Washington declares that there is no fundamental right to methadone treatment. The state of Washington further declares that methadone is an addictive substance, that it nevertheless has several legal, important, and justified uses and that one of its appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the drug treatment of persons addicted to or habituated to opioids.

Because methadone is addictive and listed as a schedule II controlled substance in chapter 69.50 RCW, the state of Washington and authorizing counties on behalf of their citizens have the legal obligation and right to regulate the use of methadone. The state of Washington hereby declares its authority to control and regulate carefully, in cooperation with the authorizing counties, all clinical uses of methadone in the treatment of opioid addiction. Further, the state declares that the goal of methadone treatment is

drug-free living for the individuals who participate in the drug treatment program.

Sec. 2. Section 3, chapter 304, Laws of 1971 ex. sess. as amended by section 2, chapter 53, Laws of 1986 and RCW 69.54.030 are each amended to read as follows:

Every drug treatment center in this state shall apply to the secretary of social and health services for certification as an approved drug treatment center: PROVIDED, That after March 12, 1986, no certifications shall be made until the standards developed by the department shall have been established, pursuant to RCW 69.54.035, or until December 1, 1986, whichever is soonest.

The secretary of social and health services shall issue application forms which shall require the following, where applicable:

- (1) The name and address of the applicant drug treatment center;
- (2) The name of the director or head of such drug treatment center;
- (3) The names of the members of the board of directors or sponsors of such drug treatment center;
- (4) The names and addresses of all physicians affiliated with such drug treatment center;
- (5) A short description of the nature of treatment and/or rehabilitation used by such drug treatment center to comply with the treatment and operating standards and rules under this chapter; and the qualifications of staff to employ such treatment and/or rehabilitation methods;
- (6) The source of funds used to finance the activities of such drug treatment center;
- (7) Any other information required by rule or regulation of the secretary of social and health services pertaining to the qualifications of such drug treatment center.

The secretary of social and health services may either grant or deny approval or revoke or suspend approval previously granted after investigation to ascertain whether or not such center is adequate to the care, treatment, and rehabilitation of such persons who have voluntarily submitted themselves to the care of such center; such grant, denial or revocation of approval shall be in accordance with standards as set forth in rules and regulations promulgated by the secretary.

~~((No program may be certified by the department in any county, where the county legislative authority has prohibited methadone treatment. Counties may license methadone treatment programs based on compliance with the department's treatment regulations under this section and RCW 69.54.035. Counties shall be authorized to monitor methadone treatment programs for compliance with the department's treatment regulations under this section and RCW 69.54.035. Any county legislative authority may limit the number of licenses granted in that county where such number is based on methadone programs per population provided that such number shall not~~



~~be less than the number of clinics certified in such county as of March 12, 1986.~~

~~In certifying programs or awarding contracts, neither the department nor any county may discriminate against any methadone program on the basis of its corporate structure.~~

~~Any program applying for certification from the department and any program applying for a contract from any state agency or any county legislative authority, which has been denied such certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.~~

~~Such approval shall be effective for one calendar year from the date of such approval. Renewal of approval shall be made in accordance with the provisions of this section for initial approval and in accordance with the standards set forth in rules and regulations promulgated by the secretary.)~~

NEW SECTION. Sec. 3. A new section is added to chapter 69.54 RCW to read as follows:

(1) A county legislative authority may prohibit methadone treatment in that county. A program shall not be certified by the department in any county if the county legislative authority has prohibited methadone treatment. If a county legislative authority authorizes methadone treatment programs, it shall limit by ordinance the number of methadone treatment programs operating in that county by limiting the number of licenses granted in that county. If a county has authorized methadone treatment programs in that county, it shall only license methadone treatment programs that comply with the department's operating and treatment regulations under this section and RCW 69.54.035: PROVIDED, That a county which authorizes methadone treatment may operate such programs directly or through a local health department or health district or it may authorize certified methadone treatment programs which the county licenses to provide such services within the county. Counties shall monitor methadone treatment programs for compliance with the department's operating and treatment regulations under RCW 69.54.030 and 69.54.035.

(2) A county that authorizes methadone treatment programs shall develop and enact by ordinance licensing standards, consistent with this chapter and the operating and treatment standards adopted pursuant to this chapter, that govern the application for, issuance of, renewal of, and revocation of such licenses. Counties shall give preference for licensure to certified programs operating in the county prior to the effective date of this act, to fulfill any numerical limits on the number of licensed methadone treatment programs, before opening up licensure applications to new programs: PROVIDED, That certified programs existing prior to the effective date of this act, applying for initial licensure or renewal of licensure in subsequent

years, that maintain certification and meet all other requirements for licensure, shall be given preference for both the initial issuance and the renewal of licenses.

(3) Counties that authorize methadone treatment programs shall begin issuing licenses on the effective date of this section based upon the treatment standards currently in effect. Upon adoption of the operating standards by the department, counties that authorize methadone treatment programs shall review all such programs with licenses already granted and any such programs with license applications pending, if any, for compliance with the new operating standards adopted in accordance with section 4 of this act. All certified and licensed methadone treatment programs shall be given ninety days after the date the operating standards take effect or ninety days after August 1, 1987, whichever is earlier, to comply with these operating standards or their certification and licensing shall be revoked. Any programs seeking initial certification or licensure after adoption of the operating standards shall comply with both treatment and operating standards from the first day of their operation.

(4) In certifying programs, the department shall not discriminate against any methadone program on the basis of its corporate structure. In licensing programs, the county shall not discriminate against any methadone program on the basis of its corporate structure.

(5) Any program applying for certification from the department and any program applying for a contract from any state agency that has been denied such certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial. Any program applying for licensure from a county and any program applying for a contract from a county that has been denied such license or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(6) Certification and licensure shall each be effective for one calendar year from the date of issuance of the certificate. Renewal of certification and licensure shall each be made in accordance with the provisions of this section for initial approval and in accordance with the standards set forth in rules and regulations promulgated by the secretary.

Sec. 4. Section 1, chapter 53, Laws of 1986 and RCW 69.54.035 are each amended to read as follows:

(1) The department, in consultation with treatment service providers, shall establish state-wide treatment standards for methadone treatment centers no later than December 1, 1986, and shall submit such treatment standards to the legislature in a report for review and consideration prior to the regular session of the legislature in 1987. The department and counties that authorize methadone treatment programs shall enforce these treatment standards. The treatment standards shall include but not be limited to reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to

ensure compliance with this chapter and the treatment standard authorized by this chapter. A methadone treatment center shall not have a caseload in excess of three hundred fifty persons. The caseload limit shall not be enforced so as to terminate involuntarily any person participating in a methadone program as of the effective date of this act. Any methadone program exceeding the caseload limit on the effective date of this act shall be allowed to continue to serve existing clients but not take on new clients until the program caseload has been decreased, through attrition, to three hundred fifty persons.

(2) The department, in consultation with treatment service providers, shall establish state-wide operating standards for methadone treatment centers no later than August 1, 1987, and shall submit such operating standards to the legislature in a report for review and consideration prior to the regular session of the legislature in 1988. The department and counties that authorize methadone treatment programs shall enforce these operating standards. The operating standards shall include, but not be limited to reasonable provisions necessary to enable the department and authorizing counties to monitor certified and licensed methadone treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the treatment programs upon the business and residential neighborhoods in which the program is located.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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.

Passed the House April 21, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 411

[Engrossed Substitute House Bill No. 931]

### DRUG SAMPLES

AN ACT Relating to regulating the possession and distribution of legend drug samples; reenacting and amending RCW 42.17.310; adding a new chapter to Title 69 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The definitions in this section apply throughout this chapter.

(1) "Board" means the board of pharmacy.

(2) "Drug samples" means any federal food and drug administration approved controlled substance, legend drug, or products requiring prescriptions in this state, which is distributed at no charge to a practitioner by a manufacturer or a manufacturer's representative, exclusive of drugs under clinical investigations approved by the federal food and drug administration.

(3) "Controlled substance" means a drug, substance, or immediate precursor of such drug or substance, so designated under or pursuant to chapter 69.50 RCW, the uniform controlled substances act.

(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(5) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(6) "Distribute" means to deliver, other than by administering or dispensing, a legend drug.

(7) "Legend drug" means any drug that is required by state law or by regulations of the board to be dispensed on prescription only or is restricted to use by practitioners only.

(8) "Manufacturer" means a person or other entity engaged in the manufacture or distribution of drugs or devices, but does not include a manufacturer's representative.

(9) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

(10) "Practitioner" means a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a commissioned medical or dental officer in the United States armed forces or the public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse under chapter 18.88 RCW when authorized to prescribe by the board of nursing, an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, or a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

(11) "Manufacturer's representative" means an agent or employee of a drug manufacturer who is authorized by the drug manufacturer to possess

drug samples for the purpose of distribution in this state to appropriately authorized health care practitioners.

(12) "Reasonable cause" means a state of facts found to exist that would warrant a reasonably intelligent and prudent person to believe that a person has violated state or federal drug laws or regulations.

**NEW SECTION.** Sec. 2. A manufacturer that intends to distribute drug samples in this state shall register annually with the board, providing the name and address of the manufacturer, and shall:

(1) Provide the board with a twenty-four hour telephone number and the name of the individual(s) who shall respond to reasonable official inquiries from the board, based on reasonable cause, regarding required records, reports, or requests for information pursuant to a specific investigation of a possible violation. Each official request by the board and each response by a manufacturer shall be limited to the information specifically relevant to the particular official investigation. Requests for the address of sites in this state at which drug samples are stored by the manufacturer's representative and the names and addresses of the individuals who are responsible for the storage or distribution of the drug samples shall be responded to as soon as possible but not later than the board's close of business on the next business day following the request; or

(2) If a twenty-four hour telephone number is not available, provide the board with the addresses of sites in this state at which drug samples are stored by the manufacturer's representative, and the names and addresses of the individuals who are responsible for the storage or distribution of the drug samples. The manufacturer shall annually submit a complete updated list of the sites and individuals to the board.

**NEW SECTION.** Sec. 3. (1) The following records shall be maintained by the manufacturer distributing drug samples in this state and shall be available for inspection by authorized representatives of the board based on reasonable cause and pursuant to an official investigation:

(a) An inventory of drug samples held in this state for distribution, taken at least annually by a representative of the manufacturer other than the individual in direct control of the drug samples;

(b) Records or documents to account for all drug samples distributed, destroyed, or returned to the manufacturer. The records shall include records for sample drugs signed for by practitioners, dates and methods of destruction, and any dates of returns; and

(c) Copies of all reports of lost or stolen drug samples.

(2) All required records shall be maintained for two years and shall include transaction dates.

(3) Manufacturers shall report to the board the discovery of any loss or theft of drug samples as soon as possible but not later than the board's close of business on the next business day following the discovery.

(4) Manufacturers shall report to the board as frequently as, and at the same time as, their other reports to the federal drug enforcement administration, or its lawful successor, the name, address and federal registration number for each practitioner who has received controlled substance drug samples and the name, strength and quantity of the controlled substance drug samples distributed.

NEW SECTION. Sec. 4. (1) Drug samples shall be stored in compliance with the requirements of federal and state laws, rules, and regulations.

(2) Drug samples shall be maintained in a locked area to which access is limited to persons authorized by the manufacturer.

(3) Drug samples shall be stored and transported in such a manner as to be free of contamination, deterioration, and adulteration.

(4) Drug samples shall be stored under conditions of temperature, light, moisture, and ventilation so as to meet the label instructions for each drug.

(5) Drug samples which have exceeded the expiration date shall be physically separated from other drug samples until disposed of or returned to the manufacturer.

NEW SECTION. Sec. 5. (1) Drug samples may be distributed by a manufacturer or a manufacturer's representative only to practitioners legally authorized to prescribe such drugs.

(2) Drug samples may be distributed by a manufacturer or a manufacturer's representative only to a practitioner legally authorized to prescribe such drugs pursuant to a written request for such samples. The request shall contain:

(a) The recipient's name, address, and professional designation;

(b) The name, strength, and quantity of the drug samples delivered;

(c) The name or identification of the manufacturer and of the individual distributing the drug sample; and

(d) The dated signature of the practitioner requesting the drug sample.

(3) No fee or charge may be imposed for sample drugs distributed in this state.

(4) A manufacturer's representative shall not possess legend drugs or controlled substances other than those distributed by the manufacturer they represent. Nothing in this section prevents a manufacturer's representative from possessing a legally prescribed and dispensed legend drug or controlled substance.

NEW SECTION. Sec. 6. Surplus, outdated, or damaged drug samples shall be disposed of as follows:

(1) Returned to the manufacturer; or

(2) Witnessed destruction by such means as to assure that the drug cannot be retrieved. However, controlled substances shall be returned to the manufacturer or disposed of in accordance with rules adopted by the board:

PROVIDED, That the board shall adopt by rule the regulations of the federal drug enforcement administration or its lawful successor unless, stating reasonable grounds, it adopts rules consistent with such regulations.

NEW SECTION. Sec. 7. The board may charge reasonable fees for registration. The registration fee shall not exceed the fee charged by the board for a pharmacy location license.

NEW SECTION. Sec. 8. (1) The manufacturer is responsible for the actions and conduct of its representatives with regard to drug samples.

(2) The board may hold a public hearing to examine a possible violation and may require a designated representative of the manufacturer to attend.

(3) If a manufacturer fails to comply with this chapter following notification by the board, the board may impose a civil penalty of up to five thousand dollars. The board shall take no action to impose any civil penalty except pursuant to a hearing held in accordance with chapter 34.04 RCW.

(4) Specific drug samples which are distributed in this state in violation of this chapter, following notification by the board, shall be subject to seizure following the procedures set out in RCW 69.41.060.

NEW SECTION. Sec. 9. All records, reports, and information obtained by the board from or on behalf of a manufacturer or manufacturer's representative under this chapter are confidential and exempt from public inspection and copying under chapter 42.17 RCW. This section does not apply to public disclosure of the identity of persons found by the board to have violated state or federal law, rules, or regulations. This section is not intended to restrict the investigations and proceedings of the board so long as the board maintains the confidentiality required by this section.

Sec. 10. Section 31, chapter 1, Laws of 1973 as last amended by section 7, chapter 276, Laws of 1986 and by section 25, chapter 299, Laws of 1986 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47-.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.



(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53-.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Information obtained by the board of pharmacy as provided in section 9 of this 1987 act.

(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. Sections 1 through 9 of this act shall constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 25, 1987.

Passed the Senate April 25, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 412

[Engrossed Substitute House Bill No. 134]

## RADIOLOGIC AND NUCLEAR MEDICINE TECHNOLOGISTS—CERTIFICATION

AN ACT Relating to certifying radiological technologists and nuclear medicine technologists; reenacting and amending RCW 18.120.020 and 18.130.040; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. It is the intent and purpose of this chapter to protect the public by setting standards of qualification, education, training, and experience for use by practitioners of radiological technology. By promoting high standards of professional performance, by requiring professional accountability, and by credentialing those persons who seek to provide radiological technology under the title of certified radiological technologists, this chapter identifies those practitioners who have achieved a particular level of competency. 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.

The legislature finds and declares that this chapter conforms to the guidelines, terms, and definitions for the credentialing of health or health-related professions specified under chapter 18.120 RCW.

**NEW SECTION.** Sec. 2. No person may represent himself or herself to the public as a certified radiologic technologist without holding a valid certificate to practice under this chapter. A person represents himself or herself to the public as a certified radiological technologist when that person adopts or uses a title or description of services that incorporates one or more of the following items or designations:

(1) Certified radiologic technologist or CRT, for persons so certified under this chapter;

(2) Certified radiologic therapy technologist, CRTT, or CRT, for persons certified in the therapeutic field;

(3) Certified radiologic diagnostic technologist, CRDT, or CRT, for persons certified in the diagnostic field; or

(4) Certified nuclear medicine technologist, CNMT, or CRT, for persons certified as nuclear medicine technologists.

**NEW SECTION.** Sec. 3. 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) "Licensed practitioner" means a physician or osteopathic physician licensed under chapter 18.71 or 18.57 RCW, respectively; a registered nurse licensed under chapter 18.88 RCW; or a podiatrist licensed under chapter 18.22 RCW.

(4) "Radiologic technologist" means an individual certified under this chapter, other than a licensed practitioner, who practices radiologic technology as a:

(a) Diagnostic radiologic technologist, who is a person who actually handles x-ray equipment in the process of applying radiation on a human being for diagnostic purposes under the supervision of a licensed practitioner; or

(b) Therapeutic radiologic technologist, who is a person who uses radiation-generating equipment for therapeutic purposes on human subjects at the direction of a licensed practitioner; or

(c) Nuclear medicine technologist, who is a person who prepares radiopharmaceuticals and administers them to human beings for diagnostic and therapeutic purposes and who performs in vivo and in vitro detection and measurement of radioactivity for medical purposes under the supervision of a licensed practitioner.

(5) "Advisory committee" means the Washington state radiologic technology advisory committee.

(6) "Approved school of radiologic technology" means a school of radiologic technology approved by the council on medical education of the American medical association or a school found to maintain the equivalent of such a course of study as determined by the department. Such school may be operated by a medical or educational institution, and for the purpose of providing the requisite clinical experience, shall be affiliated with one or more general hospitals.

(7) "Radiologic technology" means the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes.

(8) "Radiologist" means a physician certified by the American board of radiology or the American osteopathic board of radiology.

**\*NEW SECTION. Sec. 4. This chapter shall not be construed to prohibit or restrict:**

**(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:**

**(2) The practice of radiologic technology by an individual employed by the government of the United States while the individual is performing duties prescribed by the laws and regulations of the United States;**

**(3) The practice of radiologic technology by a person who is a regular student in an approved school meeting the requirements of the department. The performance of such services shall be pursuant to a regular course of**

*instruction or assignments from an instructor under the direction of a certified practitioner;*

*(4) The practice of radiological technology by unlicensed personnel supervised by persons licensed under chapters 18.22, 18.25, and 18.32 RCW.*

\*Sec. 4 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 5. (1) In addition to any other authority provided by law, the director may in consultation with the advisory committee:

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

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

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

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

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

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

(g) Hire clerical, administrative, and investigative staff as needed to implement this chapter.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certifications, uncertified practice and the discipline of certificants under this chapter. The director shall be the disciplining authority under this chapter.

NEW SECTION. Sec. 6. 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. 7. (1) There is created a state radiologic technology advisory committee consisting of seven members appointed by the director who shall advise the director concerning the administration of this chapter. Three members of the committee shall be radiologic technologists who are certified under this chapter, except for the initial members of the committee, and who have been engaged in the practice of radiologic technology for at least five years. Two members shall be radiologists. Two members of the committee shall be individuals who are unaffiliated with the profession representing the public. The term of office for committee members is four years. The terms of the first committee members, however, shall be staggered to ensure an orderly succession of new committee members

thereafter. Any committee member may be removed for just cause. 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 43.03.220 and reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(3) The committee shall elect a chair and vice-chair annually 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. Four members of the committee shall constitute a quorum.

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 certification or disciplinary proceedings or other official acts performed in the course of their duties.

NEW SECTION. Sec. 9. (1) The director shall issue a certificate to any applicant who demonstrates to the director's satisfaction, that the following requirements have been met:

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

(b) Good moral character.

(2) Applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

(3) The director shall establish by rule what constitutes adequate proof of meeting the requirements for certification and for designation of certification in a particular field of radiologic technology.

NEW SECTION. Sec. 10. The director, in consultation with the advisory committee, shall establish by rule the standards and procedures for approval of schools and alternate training, and may 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. 11. Applications for certification must be submitted on forms provided by the director. The director may require any information and documentation that reasonably relates to the determination of whether the applicant meets the requirements for certification provided for 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 which shall accompany the application.

NEW SECTION. Sec. 12. The director, in consultation with the advisory committee, shall establish by rule the requirements and fees for renewal of certificates. Failure to renew invalidates the certificate and all

privileges granted by the certificate. In the event a certificate has lapsed for a period longer than three years, the certificant shall demonstrate competence to the satisfaction of the director by continuing education or under the other standards determined by the director.

NEW SECTION. Sec. 13. This chapter shall be known as the radiologic technologists certification act.

Sec. 14. 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; ocularists 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;

and radiologic technicians under chapter 18.— RCW (sections 1 through 13 of this 1987 act).

(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. 15. 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) Radiologic technologists certified under chapter 18.— RCW (sections 1 through 13 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. 16. Sections 1 through 13 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 17. This act shall take effect October 1, 1987.

NEW SECTION. Sec. 18. A new section is added to chapter 43.131 RCW to read as follows:

The regulation of radiologic technologists under chapter 18.— RCW (sections 1 through 13 of this act) shall be terminated on June 30, 1990, 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, 1991:

- (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.\_\_\_\_; and
- (13) Section 13 of this act and RCW 18.\_\_\_\_.

NEW SECTION. Sec. 20. The sum of two hundred eighty-three thousand, four hundred thirty-eight 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. 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.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 4, Engrossed Substitute House Bill No. 134, entitled:

"AN ACT relating to certifying radiological technologists and nuclear medicine technologists."

This bill provides that "no person may represent himself or herself to the public as a certified radiological technologist without holding a valid certificate to practice" from the state. It authorizes the Department of Licensing to set and collect fees and to designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate. It also authorizes the department to determine whether alternative methods of training are equivalent to formal education, and to allow proof of alternative training to determine the applicant's eligibility to receive a certificate. The bill does not provide for the state to establish any testing or competency test in order for applicants to receive certification.

Section 4 establishes certain exemptions from certification. These exemptions are unnecessary because certification is voluntary and is only required by people who want to represent themselves as certified radiological technologists. The lack of certification does not prohibit someone from practicing in the field of radiological technology. This section further confuses the meaning of the bill by referring to people who are unlicensed in section 4 even though this bill does not provide for a licensing (inability to practice without a certificate) approach.

With the exception of section 4, Engrossed Substitute House Bill No. 134 is approved."

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## CHAPTER 413

[Engrossed Substitute House Bill No. 1197]

### COMMON SCHOOL CAPITAL PROJECTS—CONSTRUCTION COST INDEX— ADDITIONAL STATE PROPERTY TAX FOR SCHOOL CONSTRUCTION

AN ACT Relating to common school capital projects; authorizing the issuance of general obligation bonds; amending RCW 28A.47.060, 28A.47.801, 28A.47.803, 28A.47.805, 84.04.140, 84.52.043, and 84.52.050; adding a new section to chapter 28A.47 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; creating new sections; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

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).

$$\begin{array}{rcc}
 \text{Computed} & \text{District adjusted} & \text{Total state ad-} \\
 \text{State} & \text{3- valuation per full} & \text{+ justed valuation} \\
 \text{Ratio} & \text{time equivalent} & \text{per full time} \\
 & \text{pupil} & \text{equivalent pupil} \\
 = & \text{-----} & = \text{---\%} \\
 & \text{District adjusted} & \text{Total state ad-} \\
 & \text{3+ valuation per full} & \text{+ justed valuation} \\
 & \text{time equivalent} & \text{per full time} \\
 & \text{pupil} & \text{equivalent pupil} \\
 & & \text{State} \\
 & & \text{Assist-} \\
 & & \text{ance}
 \end{array}$$

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 non-resident 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), ~~((c);)~~ or (d) ~~((and (c) hereina-~~  
~~bove;))~~ 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 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. 7. A new section is added to chapter 84.55 RCW to read as follows:

This chapter does not apply to the levy under section 6 of this act.

**NEW SECTION.** Sec. 8. Sections 6 and 7 of this act apply to taxes levied for collection in 1988, and thereafter.

Sec. 9. 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 6 of this 1987 act.

Sec. 10. 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 6 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. 11. 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 6 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. 12. 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. 13. Sections 1 through 11 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) 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 12 of this act shall be null and void in their entirety.

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.

Passed the House April 26, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 414

[Engrossed Substitute House Bill No. 88]

### PERSONAL SERVICE CONTRACTS

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

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 61, Laws of 1979 ex. sess. and RCW 39.29-.003 are each amended to read as follows:

It is the intent of this chapter to ~~((provide for a comprehensive legislative review of))~~ establish a policy of open competition for all personal service contracts ((negotiated within)) entered into by state ((government)) agencies, unless specifically exempted under this chapter((, and to centralize executive supervision of these expenditures by the office of financial management)). It is further the intent to provide for legislative and executive review of all personal service contracts negotiated without an open competitive process.

Sec. 2. Section 2, chapter 61, Laws of 1979 ex. sess. as amended by section 1, chapter 263, Laws of 1981 and RCW 39.29.006 are each amended to read as follows:

As used in this chapter:

(1) ~~((<sup>n</sup>Personal service contract<sup>n</sup> means an agreement, or any amendment or renewal thereto, with an independent contractor for the rendering of personal services to the state.~~

~~((2) <sup>n</sup>Personal service<sup>n</sup> means performing a specific study, project, or task which requires professional or technical expertise but does not mean personal service performed for the purpose of routine continuing and necessary services, including but not limited to routine maintenance, operation of~~

~~the physical plant, security, data entry, key punch services, and graphic design:~~

~~(3)) "Agency" means any state ((officer)) office or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.~~

~~(2) "Client services" means services provided directly to agency clients including, but not limited to, medical and dental services, employment and training programs, residential care, and subsidized housing.~~

~~(3) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.~~

~~(4) "Consultant" means an independent individual or firm contracting with an agency to perform a service or render an opinion or recommendation according to the consultant's methods and without being subject to the control of the agency except as to the result of the work. The agency monitors progress under the contract and authorizes payment.~~

~~(5) "Emergency" means a set of unforeseen circumstances beyond the control of the agency that either:~~

~~(a) Present a real, immediate threat to the proper performance of essential functions; or~~

~~(b) May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.~~

~~(6) "Evidence of competition" means documentation demonstrating that the agency has solicited responses from multiple firms in selecting a consultant.~~

~~(7) "Personal service" means professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement. This term does not include purchased services as defined under subsection (9) of this section. This term does include client services.~~

~~(8) "Personal service contract" means an agreement, or any amendment thereto, with a consultant for the rendering of personal services to the state which is consistent with RCW 41.06.380.~~

~~(9) "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 under RCW 43.19.190 or 43.105.041 for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis.~~

(10) "Sole source" means a consultant providing professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The justification shall be based on either the uniqueness of the service or sole availability at the location required.

NEW SECTION. Sec. 3. A new section is added to chapter 39.29 RCW to read as follows:

All personal service contracts shall be entered into pursuant to competitive solicitation, except for:

- (1) Emergency contracts;
- (2) Sole source contracts;
- (3) Contract amendments;
- (4) Contracts between a consultant and an agency of less than ten thousand dollars. However, contracts of two thousand five hundred dollars or greater but less than ten thousand dollars shall have documented evidence of competition. Agencies shall not structure contracts to evade these requirements; and

(5) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the director of the office of financial management when it has been determined that a competitive solicitation process is not appropriate or cost-effective.

NEW SECTION. Sec. 4. A new section is added to chapter 39.29 RCW to read as follows:

Emergency contracts shall be filed with the office of financial management and the legislative budget committee and made available for public inspection within three working days following the commencement of work or execution of the contract, whichever occurs first. Documented justification for emergency contracts shall be provided to the office of financial management and the legislative budget committee when the contract is filed.

NEW SECTION. Sec. 5. A new section is added to chapter 39.29 RCW to read as follows:

(1) Sole source contracts shall be filed with the office of financial management and the legislative budget committee and made available for public inspection at least ten working days prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the office of financial management and the legislative budget committee when the contract is filed.

(2) The office of financial management shall approve sole source contracts of ten thousand dollars or more before any such contract becomes binding and before any services may be performed under the contract. These requirements shall also apply to sole source contracts of less than ten

thousand dollars if the total amount of such contracts between an agency and the same consultant is ten thousand dollars or more within a fiscal year.

Sec. 6. Section 2, chapter 191, Laws of 1974 ex. sess. and RCW 39.29.020 are each amended to read as follows:

No state officer or activity of state government subject to this chapter shall expend any funds for personal service contracts (~~((without first complying with the provisions of RCW 39.29.010. Except in cases where filing delay has been authorized under RCW 39.29.010, no contract shall become effective until ten days following the date of filing pursuant to this chapter, or the effective date of the contract whichever is later))~~) unless the agency has complied with the competitive procurement and other requirements of this chapter. The state officer or employee executing the personal service contracts shall be responsible for compliance with the ~~((filing))~~ requirements of this chapter. Failure to comply with the ~~((filing))~~ requirements of this chapter shall subject the state officer or employee to a civil penalty in the amount of three hundred dollars. A consultant who knowingly violates this chapter in seeking or performing work under a personal services contract shall be subject to a civil penalty of three hundred dollars or twenty-five percent of the amount of the contract, whichever is greater. The state auditor is responsible for auditing violations of this chapter. The attorney general is responsible for prosecuting violations of this chapter.

Sec. 7. Section 4, chapter 61, Laws of 1979 ex. sess. as amended by section 3, chapter 33, Laws of 1986 and RCW 39.29.040 are each amended to read as follows:

~~((Except as provided in RCW 39.29.070;))~~ This chapter does not apply to:

(1) Contracts specifying a fee of less than two thousand five hundred dollars if the total of ~~((such))~~ the contracts from that agency with the contractor within a ~~((twelve-month period))~~ fiscal year does not exceed two thousand five hundred dollars;

~~(2) ((Contracts awarded through competitive bids if the bidding follows a formal, documented bid procedure and if the request for bids is advertised through the media normally used by the particular service being sought: PROVIDED, That for management purposes, the office of financial management may require the filing of certain contracts exempted under this subsection;~~

~~(3) Contracts where the contracting agency recognizes that an employee-employer relationship exists;~~

~~(4))~~ Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;

~~((5))~~ (3) Intergovernmental agreements awarded to any ~~((public corporation))~~ governmental entity, whether federal, state, or local and any department, division, or subdivision thereof; ~~((and~~

(6)) (4) Contracts awarded for services to be performed for a standard fee, when the standard fee is established by the contracting agency or any other ((public corporation)) governmental entity and a like contract is available to all qualified applicants;

(5) Contracts for services that are necessary to the conduct of collaborative research if prior approval is granted by the funding source;

(6) Contracts for client services;

(7) Contracts for architectural and engineering services as defined in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW; and

(8) Contracts for the employment of expert witnesses for the purposes of litigation, except that such contracts shall be filed within the same time period as emergency contracts.

NEW SECTION. Sec. 8. A new section is added to chapter 39.29 RCW to read as follows:

To implement this chapter, the director of the office of financial management shall establish procedures for the competitive solicitation and award of personal service contracts, recordkeeping requirements, and procedures for the reporting and filing of contracts. For reporting purposes, the director may establish categories for grouping of contracts. The procedures required under this section shall also include the criteria for amending personal service contracts.

NEW SECTION. Sec. 9. A new section is added to chapter 39.29 RCW to read as follows:

As requested by the legislative auditor, the office of financial management shall provide information on contracts filed under this chapter for use in preparation of summary reports on personal services contracts.

Sec. 10. Section 3, chapter 32, Laws of 1969 as last amended by section 1, chapter 103, Laws of 1980 and RCW 43.19.190 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature

except as requested by said legislature: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by cooperative hospital service organizations as defined in section 501(c) of the Internal Revenue Code, or its successor: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services (~~authorized for direct acquisition from vendors by state organizations and filed under the provisions of RCW 39.29.010 through 39.29.030~~) as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935 as now or hereafter amended;

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies: PROVIDED, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, as now or hereafter amended, or from policies established by the director after consultation with the state supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including educational institutions, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including educational institutions, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

**NEW SECTION.** Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 191, Laws of 1974 ex. sess., section 44, chapter 151, Laws of 1979, section 3, chapter 61, Laws of 1979 ex. sess. and RCW 39.29.010;

(2) Section 3, chapter 191, Laws of 1974 ex. sess., section 1, chapter 225, Laws of 1981 and RCW 39.29.030;

(3) Section 1, chapter 33, Laws of 1986 and RCW 39.29.060; and

(4) Section 2, chapter 33, Laws of 1986 and RCW 39.29.070.

**\*NEW SECTION. Sec. 12. *This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.***

\*Sec. 12 was vetoed, see message at end of chapter.

**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.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 12, Engrossed Substitute House Bill No. 88, entitled:

"AN ACT Relating to personal service contracts."

This bill establishes a policy of open competition for all personal service contracts and directs the Office of Financial Management to establish procedures for competitive solicitation, record-keeping, reporting and filing of contracts to implement this bill.

Section 12 declares an emergency and directs that the bill take effect immediately. The Office of Financial Management must have time to establish the required procedures and communicate these new procedures to all state agencies, institutions, boards and commissions. Allowing this bill to become effective upon signing, with no procedures established, would result in confusion for state agencies attempting to carry on their contracting activities and comply with new requirements which have not been fully developed. A normal ninety day effective date will allow the program to be fully developed and give agencies the opportunity to understand the new procedures which should assist compliance.

With the exception of section 12, Engrossed Substitute House Bill No. 88 is approved."

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## CHAPTER 415

[Substitute House Bill No. 767]

### RESPIRATORY CARE PRACTITIONERS—CERTIFICATION

AN ACT Relating to respiratory care; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

**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.**

**\*Sec. 3 was vetoed, see message at end of chapter.**

**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; ocularists 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. This act shall not affect respiratory care practitioners employed by rural hospitals until September 15, 1988.

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.

Passed the House April 22, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 3, Substitute House Bill No. 767, entitled:

"AN ACT Relating to respiratory care."

This bill provides for a certification system for respiratory care practitioners under the Department of Licensing. The Director may issue a certificate to any applicant who has graduated from an approved school or successfully completed alternative training which meets the criteria established, and may give an examination, and require completion of experience requirements.

This bill appears to be a certification-only regulation, i.e. limiting who can use a title, except for language contained in section 3 which makes the bill operate like a licensing regulation. This section says "An entity or person shall not employ or contract with persons engaging in respiratory care as respiratory care practitioners that have not received a certificate to practice. . ." This is not consistent with the other sections of the bill which provide for certification. Also, it is not appropriate to take a group such as this which has not previously been regulated and impose on them the most rigorous regulating standard, i.e. licensing.

I would also note that section 3 becomes effective 90 days after the adjournment of the legislature while section 4, which adopts the certification approach and requires certification for anyone who "uses any title" involving respiratory care, is not effective until September 15, 1987.

By vetoing section 3 of this bill, I am leaving intact a certification approach for respiratory care practitioners. However, I am rejecting the licensing approach for the reasons set forth above.

With the exception of section 3, Substitute House Bill No. 767 is approved."

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## CHAPTER 416

[Engrossed Substitute Senate Bill No. 5857]  
IMPAIRED PHYSICIAN PROGRAM

AN ACT Relating to the professional discipline of physicians; 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.

Be it enacted by the Legislature of the State of Washington:

**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.***

\*Sec. 5 was vetoed, see message at end of chapter.

**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.

Passed the Senate April 20, 1987.

Passed the House April 13, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

## CHAPTER 417

[House Bill No. 10]

## STATE-WIDE CITY EMPLOYEES' RETIREMENT SYSTEM—TRANSFER OF CREDIT

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

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 9, chapter 184, Laws of 1984 and RCW 41.40.403 are each amended to read as follows:

(1) Any person who was a member of the state-wide city employees' retirement system governed by chapter 41.44 RCW and who also became a member of the public employees' retirement system on or before (~~March 15, 1984~~) the effective date of this 1987 section, may, in a writing filed with the director, elect to:

(a) Transfer to the public employees' retirement system all service currently credited under chapter 41.44 RCW;

(b) Reestablish and transfer to the public employees' retirement system all service which was previously credited under chapter 41.44 RCW but which was canceled by discontinuance of service and withdrawal of accumulated contributions as provided in RCW 41.44.190. The service may be reestablished and transferred only upon payment by the member to the employees' savings fund of the public employees' retirement system of the amount withdrawn plus interest thereon from the date of withdrawal until the date of payment at a rate determined by the director. No additional payments are required for service credit described in this subsection if already established under this chapter; and

(c) Establish service credit for the initial period of employment not to exceed six months, prior to establishing membership under chapter 41.44 RCW, upon payment in full by the member of the total employer's contribution to the benefit account fund of the public employees' retirement system that would have been made under this chapter when the initial service was rendered. The payment shall be based on the first month's compensation earnable as a member of the state-wide city employees' retirement system and as defined in RCW 41.44.030(13). However, a person who has established service credit under RCW 41.40.010(11) (c) or (d) shall not establish additional credit under this subsection nor may anyone who establishes credit under this subsection establish any additional credit under RCW 41.40.010(11) (c) or (d). No additional payments are required for service credit described in this subsection if already established under this chapter.

(2)(a) In the case of a member of the public employees' retirement system who is employed by an employer on (~~March 15, 1984~~) the effective

date of this 1987 section, the written election required by subsection (1) of this section must be filed and the payments required by subsection (1)(b) and (c) of this section must be completed in full within one year after ~~((March 15, 1984))~~ the effective date of this 1987 section.

(b) In the case of a former member of the public employees' retirement system who is not employed by an employer on ~~((March 15, 1984))~~ the effective date of this 1987 section, the written election must be filed and the payments must be completed in full within one year after reemployment by an employer.

(c) In the case of a retiree receiving a retirement allowance from the public employees' retirement system on ~~((March 15, 1984))~~ the effective date of this 1987 section, or any person having vested rights as described in RCW 41.40.150(3) or (5), the written election may be filed and the payments may be completed at any time.

(3) Upon receipt of the written election and payments required by subsection (1) of this section from any retiree described in subsection (2)(c) of this section, the department shall recompute the retiree's allowance in accordance with this section and shall pay any additional benefit resulting from such recomputation retroactively to the date of retirement from the system governed by this chapter.

Passed the House March 20, 1987.

Passed the Senate April 25, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 418

[Engrossed Substitute House Bill No. 47]

### PUBLIC SAFETY DIRECTORS—LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM ELIGIBILITY

AN ACT Relating to the inclusion of directors of public safety within the Washington law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.030 and 41.26.046.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 5, chapter 13, Laws of 1985 and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any

municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means 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, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers; ((and))

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply; and

(e) The term "law enforcement officer" also includes any person employed on or after November 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter; ((and))

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) the term "fire fighter" also includes any person employed on or after November 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date



benefits are payable under this chapter, and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include 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 lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) the basic salary the member would have received had such member not served in the legislature; or

(ii) such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under subparagraph (i) of this subsection is greater than basic salary under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before

March 1, 1970, "service" shall include (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: **PROVIDED**, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: **PROVIDED FURTHER**, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: **AND PROVIDED FURTHER**, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(28) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

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.

Passed the House April 23, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 419

[Substitute House Bill No. 364]

### CONTRACTORS—DISCLOSURE STATEMENT PRIOR TO STARTING WORK—JOB SITE INSPECTIONS—RESTRAINING ORDERS

AN ACT Relating to contractors; amending RCW 18.27.210; adding new sections to chapter 18.27 RCW; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. (1) Any contractor agreeing to perform any contracting project subject to this chapter on real property when the bid or contract price totals one thousand dollars or more must provide the customer with the following disclosure statement prior to starting work on the project:

**"NOTICE TO CUSTOMER**

This contractor is registered with the state of Washington, registration no. ....., as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries."

(2) No contractor subject to this section may bring or maintain any action in any court of this state for the collection of compensation for the performance of any work or for breach of any contract to which this section applies without alleging and proving that the contractor has provided the customer with a copy of the disclosure statement as required in subsection (1) of this section.

(3) This section does not apply to contracts authorized under chapter 39.08 RCW, contracts for construction of more than four residential units, or to contractors contracting with other contractors.

(4) Failure to comply with this section shall constitute an infraction under the provisions of this chapter.

(5) The department shall produce model disclosure statements, and public service announcements detailing the information needed to assist contractors and contractors' customers to comply under this section. As necessary, the department shall periodically update these education materials.

Sec. 2. Section 2, chapter 2, Laws of 1983 1st ex. sess. as amended by section 2, chapter 197, Laws of 1986 and RCW 18.27.210 are each amended to read as follows:

(1) The director shall appoint compliance inspectors to investigate alleged or apparent violations of this chapter. ~~((If the name of the contractor allegedly or apparently in violation of this chapter is not known, or if the name of the contractor does not appear on the latest list of registered contractors compiled under RCW 18.27.120(1), upon presentation of credentials, a compliance inspector of the department may inspect sites at which a~~

~~contractor had bid or presently is working to determine whether the contractor is registered in accordance with this chapter.)~~ The director, or authorized compliance inspector, upon presentation of appropriate credentials, may inspect and investigate job sites at which a contractor had bid or presently is working to determine whether the contractor is registered in accordance with this chapter or the rules adopted under this chapter. Upon request of the compliance inspector of the department, a contractor or an employee of the contractor shall provide information identifying the contractor.

(2) If the employee of an unregistered contractor is cited by a compliance inspector, that employee is cited as the agent of the employer-contractor, and issuance of the infraction to the employee is notice to the employer-contractor that the contractor is in violation of this chapter. An employee who is cited by a compliance inspector shall not be liable for any of the alleged violations contained in the citation unless the employee is also the contractor.

NEW SECTION. Sec. 3. (1) If, upon inspection or investigation, the director or authorized compliance inspector reasonably believes that a contractor has failed to register in accordance with this chapter or the rules adopted under this chapter, the director shall issue an order immediately restraining further construction work at the job site by the contractor. The order shall describe the specific violation that necessitated issuance of the restraining order. The contractor or representative to whom the restraining order is directed may request a hearing before an administrative law judge, such hearing to be conducted pursuant to chapter 34.04 RCW. A request for hearing shall not stay the effect of the restraining order.

(2) In addition to and after having invoked the powers of restraint vested in the director as provided in subsection (1) of this section, the director, through the attorney general, may petition the superior court of the state of Washington to enjoin any activity in violation of this chapter. A prima facie case for issuance of an injunction shall be established by affidavits and supporting documentation demonstrating that a restraining order was served upon the contractor and that the contractor continued to work after service of the order. Upon the filing of the petition, the superior court shall have jurisdiction to grant injunctive or other appropriate relief, pending the outcome of enforcement proceedings under this chapter, or to enforce restraining orders issued by the director. If the contractor fails to comply with any court order, the director shall request the attorney general to petition the superior court for an order holding the contractor in contempt of court and for any other appropriate relief.

NEW SECTION. Sec. 4. Sections 1 and 3 of this act are each added to chapter 18.27 RCW.



**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.

Passed the House April 25, 1987.

Passed the Senate April 25, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 420

[Substitute House Bill No. 476]

### BANKS—MEETINGS ONCE EACH QUARTER—CAPITAL STOCK—LAND BANK OVERSIGHT PROCEDURES

AN ACT Relating to banks and banking; amending RCW 30.12.010 and 30.08.090; re-enacting and amending RCW 30.04.230; adding a new section to chapter 30.08 RCW; adding new sections to chapter 31.30 RCW; repealing RCW 30.23.010, 30.23.020, 30.23.030, 30.23.040, 30.23.050, 30.23.060, 30.23.070, 30.23.080, 30.23.900, and 30.23.901; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 30.12.010, chapter 33, Laws of 1955 as last amended by section 30, chapter 279, Laws of 1986 and RCW 30.12.010 are each amended to read as follows:

Every bank and trust company shall be managed by not less than five directors, who need not be residents of this state. Directors shall be elected by the stockholders and hold office for such term as is specified in the articles of incorporation, not exceeding three years, and until their successors are elected and have qualified. In the first instance the directors shall be those named in the articles of incorporation and afterwards, those elected at the annual meeting of the stockholders to be held at least once each year on a day to be specified by the bank's or trust company's bylaws. Shareholders may not cumulate their votes unless the articles of incorporation specifically so provide. If for any cause no election is held at that time, it may be held at an adjourned meeting or at a subsequent meeting called for that purpose in the manner prescribed by the corporation's bylaws. The directors shall meet at least once each ((month)) quarter and whenever required by the supervisor. A majority of the then serving board of directors shall constitute a quorum for the transaction of business. At all stockholders' meetings, each share shall be entitled to one vote, unless the articles of incorporation provide otherwise. Any stockholder may vote in person or by written proxy.

Immediately upon election, each director shall take, subscribe, swear to, and file with the supervisor an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation and will not knowingly violate or willingly permit to be violated any provision of law applicable to such corporation. Vacancies in the board of directors shall be filled by the board.

Sec. 2. Section 30.04.230, chapter 33, Laws of 1955 as last amended by section 4, chapter 305, Laws of 1985 and by section 2, chapter 310, Laws of 1985 and RCW 30.04.230 are each reenacted and amended to read as follows:

(1) A corporation or association organized under the laws of this state or licensed to transact business in the state (~~(, other than a bank or trust company,)~~) may acquire any or all shares of stock of any bank, trust company, or national banking association. Nothing in this section shall be construed to prohibit the merger, consolidation, or reorganization of a bank or trust company in accordance with this title.

(2) Unless the terms of this section or RCW 30.04.232 are complied with, an out-of-state bank holding company shall not acquire more than five percent of the shares of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association the principal operations of which are conducted within this state.

(3) As used in this section a "bank holding company" means a company that is a bank holding company as defined by the Bank Holding Company Act of 1956, as amended (12 U.S.C. Sec. 1841 et seq.). An "out-of-state bank holding company" is a bank holding company that principally conducts its operations outside this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a holding company. A "domestic bank holding company" is a bank holding company that principally conducts its operations within this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a bank holding company.

(4) Any such acquisition referred to under subsection (2) of this section by an out-of-state bank holding company requires the express written approval of the supervisor of banking. Approval shall not be granted unless and until the following conditions are met:

(a) An out-of-state bank holding company desiring to make an acquisition referred to under subsection (2) of this section and the bank, trust company, national banking association, or domestic bank holding company parent thereof, if any, proposed to be acquired shall file an application in writing with the supervisor of banking. The supervisor shall by rule establish the fee schedule to be collected from the applicant in connection with the application. The fee shall not exceed the cost of processing the application. The application shall contain such information as the supervisor of banking may prescribe by rule as necessary or appropriate for the purpose of making

a determination under this section. The application and supporting information and all examination reports and information obtained by the supervisor and the supervisor's staff in conducting its investigation shall be confidential and privileged and not subject to public disclosure under chapter 42.17 RCW. The application and information may be disclosed to federal bank regulatory agencies and to officials empowered to investigate criminal charges, subject to legal process, valid search warrant, or subpoena. In any civil action in which such application or information is sought to be discovered or used as evidence, any party may, upon notice to the supervisor and other parties, petition for an in camera review. The court may permit discovery and introduction of only those portions that are relevant and otherwise unobtainable by the requesting party. The application and information shall be discoverable in any judicial action challenging the approval of an acquisition by the supervisor as arbitrary and capricious or unlawful.

(b) The supervisor of banking shall find that:

(i) The bank, trust company, or national banking association that is proposed to be acquired or the domestic bank holding company controlling such bank, trust company, or national banking association is in such a liquidity or financial condition as to be in danger of closing, failing, or insolvency. In making any such determination the supervisor shall be guided by the criteria developed by the federal regulatory agencies with respect to emergency acquisitions under the provisions of 12 U.S.C. Sec. 1828(c);

(ii) There is no state bank, trust company, or national banking association doing business in the state of Washington or domestic bank holding company with sufficient resources willing to acquire the entire bank, trust company, or national banking association on at least as favorable terms as the out-of-state bank holding company is willing to acquire it;

(iii) The applicant out-of-state bank holding company has provided all information and documents requested by the supervisor in relation to the application; and

(iv) The applicant out-of-state bank holding company has demonstrated an acceptable record of meeting the credit needs of its entire community, including low and moderate income neighborhoods, consistent with the safe and sound operation of such institution.

(c) The supervisor shall consider:

(i) The financial institution structure of this state; and

(ii) The convenience and needs of the public of this state.

(5) Nothing in this section may be construed to prohibit, limit, restrict, or subject to further regulation the ownership by a bank of the stock of a bank service corporation or a banker's bank.

Sec. 3. Section 30.08.090, chapter 33, Laws of 1955 as last amended by section 28, chapter 279, Laws of 1986 and RCW 30.08.090 are each amended to read as follows:

Any bank or trust company may ~~((increase or decrease its capital stock or otherwise))~~ amend its articles of incorporation, in any manner not inconsistent with the provisions of this title, by a vote of the stockholders representing two-thirds of each class of shares entitled to vote under the terms of the shares at any regular meeting, or special meeting duly called for that purpose in the manner prescribed by its bylaws. A certificate of the fact and the terms of the amendment shall be executed by a majority of the directors and filed as required herein for articles of incorporation. ~~((No issuance of capital stock shall be valid, until the amount thereof shall have been actually paid in and a certificate of increase is received from the supervisor. No reduction of the capital stock shall be made to an amount less than is required for capital by the supervisor.))~~ No amendment shall be made whereby a bank becomes a trust company unless such bank shall first receive permission from the supervisor.

~~((Banks having authorized but unissued stock shall disclose on all statements of condition the amount of authorized stock and the amount of issued and paid in stock, as certified by the supervisor. The supervisor shall certify to each bank having authorized but unissued stock the amount of its issued and paid in capital stock and this amount shall be used in all statements of condition and in computing the capital of the bank for purposes of determining loan or investment limits until a new certificate is issued by the supervisor. In cases where a bank issues authorized but unissued stock as permitted by this title, a new certificate need not be requested upon each stock issue. However, if the bank so requests and the supervisor approves, a certificate of issued and paid in capital stock shall be issued by the supervisor. A new certificate must be requested at such time as any increase of paid in capital stock represents five percent of the authorized capital stock and at such time as there is no remaining authorized but unissued stock.))~~

**NEW SECTION.** Sec. 4. A new section is added to chapter 30.08 RCW to read as follows:

A bank or trust company may increase or decrease its capital stock by amendment to its articles of incorporation. No issuance of capital stock shall be valid, until the amount thereof shall have been actually paid in and a certificate of increase is received from the supervisor. No reduction of the capital stock shall be made to an amount less than is required for capital by the supervisor.

Banks having authorized but unissued stock shall disclose on all statements of condition the amount of authorized stock, and the amount of issued and paid-in stock, as certified by the supervisor. The supervisor shall certify to each bank having authorized but unissued stock the amount of its issued and paid-in capital stock, and this amount shall be used in all statements of condition and in computing the capital of the bank for purposes of determining loan or investment limits until a new certificate is issued by the supervisor. In cases where a bank issued authorized but unissued stock as

permitted by this title, a new certificate need not be requested upon each stock issue. However, if the bank so requests and the supervisor approves, a certificate of issued and paid-in capital stock shall be issued by the supervisor. A new certificate must be requested at such time as any increase of paid-in capital stock represents five percent of the authorized capital stock and at such time as there is no remaining authorized but unissued stock.

**NEW SECTION.** Sec. 5. (1) The Washington land bank shall be examined by the department of general administration, division of banking, at such times as the supervisor may determine, but in no event less than once each year. Such examinations shall include, but are not limited to, an analysis of credit and collateral quality and capitalization of the institution, and an appraisal of the effectiveness of the institution's management and application of policies for the carrying out the requirements of chapter 31-.30 RCW, and servicing all eligible borrowers. At the direction of the supervisor, the division of banking shall examine the condition of any organization with which the Washington land bank contemplates making a loan or discounting paper. For the purposes of this chapter, bank analysts shall be subject to the same requirements, responsibilities, and penalties as are applicable to examiners under Title 30 RCW, the Federal Reserve Act, and Federal Deposit Insurance Act, and other provisions of law and shall have the same powers and privileges as are vested in such examiners by law.

(2) The Washington land bank shall make and publish an annual report of condition. Each such report shall contain financial statements prepared in accordance with generally accepted accounting principles and contain such additional information as may be required by the board of directors. Such financial statements shall be audited by an independent certified public accountant.

**NEW SECTION.** Sec. 6. The Washington land bank shall make at least three regular reports each year to the supervisor, as of the dates designated, according to form prescribed, verified by the president, vice-president, or secretary and attested by at least two directors, which shall exhibit under appropriate heads the resources and liabilities of the bank. Each such report in condensed form, to be prescribed by the supervisor, shall be published once in a newspaper of general circulation, published in a place where the corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. The Washington land bank shall also make such special reports as the supervisor shall call for.

**NEW SECTION.** Sec. 7. Every regular report shall be filed with the supervisor within thirty days from the date of issuance of the notice therefor and proof of publication of such report shall be filed with the supervisor within forty days from such date. Every special report shall be filed with the supervisor within such time as shall be specified in the notice therefor.

Failure of the Washington land bank to file any report, required to be filed as aforesaid within the time herein specified, shall be subject to a penalty of fifty dollars per day for each day's delay. A civil action for the recovery of any such penalty may be brought by the attorney general in the name of the state.

**NEW SECTION.** Sec. 8. The supervisor shall collect from the Washington land bank for application and investigations and for each examination of its condition a fee as set by applicable regulation of the division of banking.

**NEW SECTION.** Sec. 9. (1) All examination reports and all information obtained by the supervisor and the supervisor's staff in conducting examinations of the Washington land bank is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the supervisor may furnish all or any part of examination reports prepared by the supervisor's office to:

(a) Officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the supervisor furnishes any examination report to officials empowered to investigate criminal charges, the supervisor may only furnish that part of the report which is necessary and pertinent to the investigation, and the supervisor may do this only after notifying the Washington land bank and any customer of the Washington land bank who is named in that part of the examination or report ordered to be furnished unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause;

(b) The Washington land bank;

(c) The attorney general in his or her role as legal advisor to the supervisor;

(d) A person or organization officially connected with the Washington land bank as officer, director, attorney, auditor, or independent attorney or independent auditor.

(3) All examination reports furnished under subsections (2) and (4) of this section shall remain the property of the division of banking, and be confidential and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: **PROVIDED**, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the division of banking is designed for use in the supervision of the Washington land bank. The report shall remain the property of the supervisor and will be furnished to the Washington land bank for its confidential use. Under no circumstances shall the Washington land bank, or any of its directors, officers, or employees disclose or make public in any manner the report or any portion thereof, to any person or organization not connected with the Washington land bank as officer, director, employee, attorney, auditor, or candidate for executive office with the bank.

(5) Examination reports and information obtained by the supervisor and the supervisor's staff in conducting examinations shall not be subject to public disclosure under chapter 42.17 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor.

(7) This section shall not apply to investigation reports prepared by the supervisor and the supervisor's staff concerning an application for establishment of the Washington land bank: PROVIDED, That the supervisor may adopt rules making confidential portions of the reports if in the supervisor's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the supervisor considers necessary to fully evaluate the application.

(8) Every person who violates any provision of this section shall be guilty of a gross misdemeanor.

**NEW SECTION.** Sec. 10. (1) The supervisor may issue and serve upon the Washington land bank a notice of charges if in the opinion of the supervisor, the Washington land bank:

(a) Is engaging or has engaged in an unsafe or unsound practice in conducting its business;

(b) Is violating or has violated the law, rule, or any condition imposed in writing by the supervisor in connection with the granting of any application or other request by the bank or any written agreement made with the supervisor; or

(c) Is about to do the acts prohibited in (a) or (b) of this subsection when the opinion that the threat exists is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or violations or the practice or practices and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the bank. The hearing shall be set not earlier than ten days nor later than thirty days after service of the notice unless a later date is set by the supervisor at the request of the bank.

Unless the bank shall appear at the hearing by a duly authorized representative it shall be deemed to have consented to the issuance of the cease and desist order. In the event of this consent or if upon the record made at the hearing the supervisor finds that any violation or practice specified in the notice of charges has been established, the supervisor may issue and serve upon the bank an order to cease and desist from the violation or practice. The order may require the bank and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the bank to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order shall become effective at the expiration of ten days after the service of the order upon the bank except that a cease and desist order issued upon consent shall become effective at the time specified in the order and shall remain effective as provided therein unless it is stayed, modified, terminated, or set aside by action of the supervisor or a reviewing court.

NEW SECTION. Sec. 11. Whenever the supervisor determines that the acts specified in the foregoing section or their continuation is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, the supervisor may also issue a temporary order requiring the bank to cease and desist from the violation or practice. The order shall become effective upon service on the bank and shall remain effective unless set aside, limited, or suspended by a court in proceedings under section 8 of this act pending the completion of the administrative proceedings under the notice and until such time as the supervisor shall dismiss the charges specified in the notice or until the effective date of a cease and desist order issued against the bank pursuant to section 8 of this act.

NEW SECTION. Sec. 12. Within ten days after the bank has been served with a temporary cease and desist order, the bank may apply to the superior court in the county of its principal place of business for an injunction setting aside, limiting, or suspending the order pending the completion of the administrative proceedings pursuant to the notice served. The superior court shall have jurisdiction to issue the injunction.

NEW SECTION. Sec. 13. In the case of a violation or threatened violation of a temporary cease and desist order issued, the supervisor may apply to the superior court of the county of the principal place of business of the bank for an injunction to enforce the order, and the court shall issue an injunction if it determines that there has been a violation or threatened violation.

NEW SECTION. Sec. 14. (1) Any administrative hearing may be held at such place as is designated by the supervisor and shall be conducted in accordance with chapter 34.04 RCW. The hearing shall be private unless the supervisor determines that a public hearing is necessary to protect the



public interest after fully considering the views of the party afforded the hearing.

Within sixty days after the hearing the supervisor shall render a decision which shall include findings of fact upon which the decision is based and shall issue and serve upon each party to the proceedings an order or orders.

Unless a petition for review is timely filed in the superior court of the county of the principal place of business of the bank and until the record in the proceeding has been filed as therein provided, the supervisor may at any time modify, terminate, or set aside any order upon such notice and in such manner as deemed proper. Upon filing the record, the supervisor may modify, terminate, or set aside any order only with permission of the court.

The judicial review provided in this section for an order shall be exclusive.

(2) Any party to the proceeding or any person required by an order to refrain from any of the violations or practices stated therein may obtain a review of any order served under subsection (1) of this section other than one issued upon consent by filing in the superior court of the county of the principal place of business of the bank within ten days after the date of service of the order a written petition praying that the order of the supervisor be modified, terminated, or set aside. A copy of the petition shall be immediately served upon the supervisor and the supervisor shall then file in the court the record of the proceeding. The court shall have jurisdiction upon the filing of the petition, which jurisdiction shall become exclusive upon the filing of the record to affirm, modify, terminate, or set aside in whole or in part the order of the supervisor except that the supervisor may modify, terminate, or set aside an order with the permission of the court. The judgment and decree of the court shall be final, except that it shall be subject to appellate review under the rules of court.

(3) The commencement of proceedings for judicial review under subsection (2) of this section shall not operate as a stay of any order issued by the supervisor unless specifically ordered by the court.

**NEW SECTION.** Sec. 15. The supervisor may serve upon a director, officer, or employee of the Washington land bank a written notice of the supervisor's intention to remove the person from office or to prohibit the person from participation in the conduct of the affairs of the bank whenever:

(1) In the opinion of the supervisor any director, officer, or employee of the bank has committed or engaged in:

(a) Any violation of law or rule or of a cease and desist order which has become final;

(b) Any unsafe or unsound practice in connection with the bank; or

(c) Any act, omission, or practice which constitutes a breach of his fiduciary duty as director, officer, or employee; and

(2) The supervisor determines that:

(a) The bank has suffered or may suffer substantial financial loss or other damage; or

(b) The interests of its investors could be seriously prejudiced by reason of the violation or practice or breach of fiduciary duty; and

(c) The violation or practice or breach of fiduciary duty is one involving personal dishonesty, recklessness, or incompetence on the part of the director, officer, or employee.

NEW SECTION. Sec. 16. A notice of an intention to remove a director, officer, or employee from office or to prohibit participation in the conduct of the affairs of the bank shall contain a statement of the facts which constitute grounds therefor and shall fix a time and place at which a hearing will be held. The hearing shall be set not earlier than ten days nor later than thirty days after the date of service of the notice unless an earlier or later date is set by the supervisor at the request of the director, officer, or employee for good cause shown or of the attorney general of the state.

Unless the director, officer, or employee appears at the hearing personally or by a duly authorized representative, the person shall be deemed to have consented to the issuance of an order of removal or prohibition or both. In the event of such consent or if upon the record made at the hearing the supervisor finds that any of the grounds specified in the notice have been established, the supervisor may issue such orders of removal from office or prohibition from participation in the conduct of the affairs of the bank as the supervisor may consider appropriate.

Any order shall become effective at the expiration of ten days after service upon the bank and the director, officer, or employee concerned except that an order issued upon consent shall become effective at the time specified in the order.

An order shall remain effective except to the extent it is stayed, modified, terminated, or set aside by the supervisor or a reviewing court.

NEW SECTION. Sec. 17. If at any time because of the removal of one or more directors under this chapter there shall be on the board of directors of the bank less than a quorum of directors, all powers and functions vested in or exercisable by the board shall vest in and be exercisable by the director or directors remaining until such time as there is a quorum on the board of directors. If all of the directors of the bank are removed under this chapter, the supervisor shall appoint persons to serve temporarily as directors until such time as their respective successors take office.

NEW SECTION. Sec. 18. Sections 5 through 17 of this act are each added to chapter 31.30 RCW.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 82, Laws of 1981 and RCW 30.23.010;

- (2) Section 2, chapter 82, Laws of 1981 and RCW 30.23.020;
- (3) Section 3, chapter 82, Laws of 1981 and RCW 30.23.030;
- (4) Section 4, chapter 82, Laws of 1981 and RCW 30.23.040;
- (5) Section 5, chapter 82, Laws of 1981 and RCW 30.23.050;
- (6) Section 6, chapter 82, Laws of 1981 and RCW 30.23.060;
- (7) Section 7, chapter 82, Laws of 1981 and RCW 30.23.070;
- (8) Section 8, chapter 82, Laws of 1981 and RCW 30.23.080;
- (9) Section 9, chapter 82, Laws of 1981 and RCW 30.23.900; and
- (10) Section 11, chapter 82, Laws of 1981 and RCW 30.23.901.

Passed the House April 21, 1987.

Passed the Senate April 13, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 421

[Engrossed House Bill No. 713]

### DEBENTURE COMPANIES

AN ACT Relating to debt-related securities; amending RCW 21.20.705, 21.20.715, 21.20.720, and 21.20.320; adding new sections to chapter 21.20 RCW; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 6, chapter 171, Laws of 1973 1st ex. sess. as amended by section 1, chapter 140, Laws of 1979 and RCW 21.20.705 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires((;));

(1) "Debenture company" means an issuer of any note, debenture, or other debt obligation for money ((used or to be used as capital)) to be used as operating funds of the issuer, which is offered or sold in this state ~~((and is required to be registered under the provisions of this chapter;)),~~ and which issuer is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, ~~((leasing;)),~~ or trading in: (a) Notes, or other debt obligations, whether or not secured by real ((or chattel mortgages, deeds of trust, land, land)) or personal property ((contracts, or security agreements and financing statements under the uniform commercial code)); (b) vendors' interests in real estate contracts; (c) real or personal property to be leased to third parties; or (d) real or personal property. The term "debenture company" does not include an issuer by reason of any of its securities which are exempt from registration under RCW 21.20.310 or offered or sold in transactions exempt from registration under RCW 21.20.320 (1) or (8); and

(2) "Acquiring party" means the person acquiring control of a debenture company through the purchase of stock.

Sec. 2. Section 8, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.715 are each amended to read as follows:

Any debenture company offering debt securities to the public shall provide that at least fifty percent of the amount of those securities sold (~~(after July 1, 1973, shall)~~) have maturity dates of two years or more.

NEW SECTION. Sec. 3. (1) For purposes of the provisions of this chapter relating to debenture companies a person shall be deemed a controlling person if:

(a) Such person directly or indirectly, or acting through one or more other persons owns, controls, or has power to vote twenty-five percent or more of any class of voting securities of a debenture company;

(b) Such person controls in any manner the election of a majority of the directors or trustees of a debenture company; or

(c) The director determines, after notice and opportunity for hearing, that such person, directly or indirectly, exercises a controlling influence over the management or policies of a debenture company.

(2) The director may except, by order, for good cause shown, any person from subsection (1) of this section if the director finds the exception to be in the public interest and that the exception does not threaten the protection of investors.

Sec. 4. Section 9, chapter 171, Laws of 1973 1st ex. sess. as last amended by section 41, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.720 are each amended to read as follows:

(1) A director ~~((or))~~, officer, or controlling person of a debenture company shall not:

(a) Have any interest, direct or indirect, in the gains or profits of the debenture company, except to receive dividends upon the amounts contributed by him or her, the same as any other ~~((depositor))~~ investor or shareholder and under the same regulations and conditions: PROVIDED, That nothing in this subsection shall be construed to prohibit salaries as may be approved by the debenture company's board of directors;

(b) Become a member of the board of directors or a controlling shareholder of another debenture company or a bank, trust company, or national banking association, of which board enough other directors or officers of the debenture company are members so as to constitute with him or her a majority of the board of directors.

(2) ~~((Neither))~~ A director ~~((nor))~~, an officer, or controlling person shall not:

(a) For himself or herself or as agent or partner of another, directly or indirectly use any of the funds held by the debenture company, except to make such current and necessary payments as are authorized by the board of directors;

(b) Receive directly or indirectly and retain for his or her own use any commission on or benefit from any loan made by the debenture company, or

any pay or emolument for services rendered to any borrower from the debenture company in connection with such loan;

(c) Become an indorser, surety, or guarantor, or in any manner an obligor, for any loan made from the debenture company and except when approval has been given by the director of licensing or the director's administrator of securities upon recommendation by the company's board of directors.

(d) For himself or herself or as agent or partner of another, directly or indirectly borrow any of the funds held by the debenture company, or become the owner of real or personal property upon which the debenture company holds a mortgage, deed of trust, or property contract. A loan to or a purchase by a corporation in which he or she is a stockholder to the amount of fifteen percent of the total outstanding stock, or in which he or she and other directors ((or)), officers, or controlling persons of the debenture company hold stock to the amount of twenty-five percent of the total outstanding stock, shall be deemed a loan to or a purchase by such director or officer within the meaning of this section, except when the loan to or purchase by such corporation occurred without his or her knowledge or against his or her protest.

**NEW SECTION.** Sec. 5. (1) It is unlawful for any person to acquire control of a debenture company until thirty days after filing with the director a copy of the notice of change of control on the form specified by the director. The notice or application shall be under oath and contain substantially all of the following information plus any additional information that the director may prescribe as necessary or appropriate in the particular instance for the protection of investors, borrowers, or shareholders and the public interest:

(a) The identity and business experience of each person by whom or on whose behalf acquisition is to be made;

(b) The financial and managerial resources and future prospects of each person involved in the acquisition;

(c) The terms and conditions of any proposed acquisition and the manner in which the acquisition is to be made;

(d) The source and amount of the funds or other consideration used or to be used in making the acquisition, and a description of the transaction and the names of the parties if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition;

(e) Any plan or proposal which any person making the acquisition may have to liquidate the debenture company, to sell its assets, to merge it with any other company, or to make any other major change in its business or corporate structure or management;

(f) The identification of any person employed, retained, or to be compensated by the acquiring party, or by any person on its behalf, who makes

solicitations or recommendations to shareholders for the purpose of assisting in the acquisition and a brief description of the terms of the employment, retainer, or arrangement for compensation; and

(g) Copies of all invitations for tenders or advertisements making a tender offer to shareholders for the purchase of their stock to be used in connection with the proposed acquisition.

(2) When a person, other than an individual or corporation, is required to file an application under this section, the director may require that the information required by subsection (1)(a), (b), and (f) of this section be given with respect to each person who has an interest in or controls a person filing an application under this subsection.

(3) When a corporation is required to file an application under this section, the director may require that the information required by subsection (1)(a), (b), and (f) of this section be given for the company, each officer and director of the company, and each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the company.

(4) If any tender offer, request, or invitation for tenders or other agreements to acquire control is proposed to be made by means of a registration statement under the Securities Act of 1933 (48 Stat. 74; 15 U.S.C. Sec. 77(a)), as amended, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (48 Stat. 881; 15 U.S.C. Sec. 78(a)), as amended, the registration statement or application may be filed with the director in lieu of the requirements of this section.

(5) Any acquiring party shall also deliver a copy of any notice or application required by this section to the debenture company proposed to be acquired within two days after the notice or application is filed with the director.

(6) Any acquisition of control in violation of this section shall be ineffective and void.

(7) Any person who wilfully or intentionally violates this section or any rule adopted pursuant thereto is guilty of a gross misdemeanor and shall be punished pursuant to chapter 9A.20 RCW. Each day's violation shall be considered a separate violation.

**NEW SECTION.** Sec. 6. The director may disapprove the acquisition of a debenture company within thirty days after the filing of a complete application under section 5 of this act or an extended period not exceeding an additional fifteen days if:

(1) The poor financial condition of any acquiring party might jeopardize the financial stability of the debenture company or might prejudice the interests of the investors, borrowers, or shareholders;

(2) The plan or proposal of the acquiring party to liquidate the debenture company, to sell its assets, to merge it with any person, or to make any

other major change in its business or corporate structure or management is not fair and reasonable to the debenture company's investors, borrowers, or stockholders or is not in the public interest;

(3) The business experience and integrity of any acquiring party who would control the operation of the debenture company indicates that approval would not be in the interest of the debenture company's investors, borrowers, or shareholders;

(4) The information provided by the application is insufficient for the director to make a determination or there has been insufficient time to verify the information provided and conduct an examination of the qualification of the acquiring party; or

(5) The acquisition would not be in the public interest.

NEW SECTION. Sec. 7. (1) The director may issue and serve upon a debenture company a notice of charges if in the opinion of the director any debenture company:

(a) Is engaging or has engaged in an unsafe or unsound practice in conducting the business of the debenture company;

(b) Is violating or has violated the law, a rule or order, or any condition imposed in writing by the director in connection with the granting of any application or other request by the debenture company or any written agreement made with the director; or

(c) Is about to do the acts prohibited in (a) or (b) of this subsection when the opinion that the threat exists is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or violations or the practice or practices and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the debenture company. The hearing shall be set in accordance with chapter 34.04 RCW.

Unless the debenture company appears at the hearing by a duly authorized representative, it shall be considered to have consented to the issuance of the cease and desist order. If this consent or if upon the record made at the hearing the director finds that any violation or practice specified in the notice of charges has been established, the director may issue and serve upon the debenture company an order to cease and desist from the violation or practice. The order may require the debenture company and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the debenture company to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order shall become effective at the expiration of ten days after the service of the order upon the debenture company concerned except that a cease and desist order issued upon consent shall become effective at the time specified in the order and shall remain effective as provided therein unless it is stayed, modified, terminated, or set aside by action of the director or a reviewing court.

**NEW SECTION.** Sec. 8. Whenever the director determines that the acts specified in section 7 of this act or their continuation is likely to cause insolvency or substantial dissipation of assets or earnings of the debenture company or to otherwise seriously prejudice the interests of its security holders, the director may also issue a temporary order requiring the debenture company to cease and desist from the violation or practice. The order shall become effective upon service on the debenture company and shall remain effective unless set aside, limited, or suspended by a court in proceedings under section 7 of this act pending the completion of the administrative proceedings under the notice and until such time as the director dismisses the charges specified in the notice or until the effective date of a cease and desist order issued against the debenture company under section 7 of this act.

Sec. 9. Section 32, chapter 282, Laws of 1959 as last amended by section 1, chapter 90, Laws of 1986 and RCW 21.20.320 are each amended to read as follows:

The following transactions are exempt from RCW 21.20.040 through 21.20.300 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness



secured thereby, is offered and sold as a unit. A bond or other evidence of indebtedness is not offered and sold as a unit if the transaction involves:

(a) A partial interest in one or more bonds or other evidences of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels; or

(b) One of multiple bonds or other evidences of indebtedness secured by one or more real or chattel mortgages or deeds of trust, or agreements for the sale of real estate or chattels, sold to more than one purchaser as part of a single plan of financing; or

(c) A security including an investment contract other than the bond or other evidence of indebtedness.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offering not exceeding five hundred thousand dollars effected in accordance with any rule by the director if the director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right

to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness, or stock for a patronage dividend, or for contributions to capital by such patrons in the association if any such receipt, written notice, or certificate made pursuant to this paragraph is nontransferable except in the case of death or by operation of law and so states conspicuously on its face.

(17) Any transaction effected in accordance with any rule adopted by the director establishing a limited offering exemption which furthers objectives of compatibility with federal exemptions and uniformity among the states, provided that in adopting any such rule the director may require that no commission or other remuneration be paid or given to any person, directly or indirectly, for effecting sales unless the person is registered under this chapter as a broker-dealer or salesperson.

**NEW SECTION.** Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 3 and 5 through 8 of this act are added to chapter 21.20 RCW and shall be codified within the subchapter "ADDITIONAL PROVISIONS."

NEW SECTION. Sec. 12. Sections 1 through 8 of this act shall take effect January 1, 1988. The director of licensing may take whatever action is necessary to implement this act on its effective date. This act applies to any person, individual, corporation, partnership, or association, whether or not in existence on or prior to January 1, 1988.

Passed the House April 25, 1987.

Passed the Senate April 25, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 422

[Engrossed Substitute House Bill No. 743]

### ECONOMIC DEVELOPMENT—PUBLIC WORKS IMPROVEMENTS

AN ACT Relating to state government; amending RCW 43.160.010, 43.160.035, 43.160.050, 43.160.060, 43.160.080, 43.160.115, 43.160.140, 43.160.180, and 43.160.900; reenacting and amending RCW 43.160.030; repealing RCW 43.160.073 and 43.160.110; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 40, Laws of 1982 1st ex. sess. as amended by section 1, chapter 257, Laws of 1984 and RCW 43.160.010 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment (~~as soon as possible~~) and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development (~~should be fostered through~~) is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

~~((1))~~ (a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

~~((2))~~ (b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

~~((3))~~ (c) Encouraging wider access to financial resources for both large and small industrial development projects;

~~((4))~~ (d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

~~((5))~~ (f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

Sec. 2. Section 13, chapter 6, Laws of 1985 and section 2, chapter 446, Laws of 1985 and RCW 43.160.030 are each reenacted and amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of ~~((the director of trade and economic development, the director of community development, the director of revenue, the commissioner of employment security, the secretary of the department of transportation;))~~ the chairman of and one minority member appointed by the speaker of the house of representatives from the committee on trade and

economic development of the house of representatives, the chairman of and one minority member appointed by the president of the senate from the committee on commerce and labor of the senate, or the equivalent standing committees, (~~one member each from the committees on ways and means of the senate and house of representatives, or the equivalent standing committees, chosen by the president of the senate or the speaker of the house of representatives, as applicable;~~) and the following members appointed by the governor: A recognized private or public sector economist (~~selected from the governor's council of economic advisors~~); one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the (~~chairman~~) chair. Thereafter each succeeding term shall be for three years. The (~~representative from the governor's council of economic advisors shall serve as chairman~~) chair of the board shall be selected by the governor and should be a member of the governor's council of economic advisors. (~~The director of the department of commerce and economic development shall serve as vice chairman.~~) The members of the board shall elect one of their members to serve as vice-chair. The director of trade and economic development, the director of community development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Staff support shall be provided by the department of trade and economic development to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) All appointive members of the board shall be compensated 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.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

Sec. 3. Section 4, chapter 446, Laws of 1985 and RCW 43.160.035 are each amended to read as follows:

~~((Each agency head of an executive branch agency who is appointed to the community economic revitalization board under RCW 43.160.030 may designate an agency employee to take his or her place on the board for~~

~~meetings in which the agency head will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members.))~~ Each member of the house of representatives who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member of the trade and economic development committee of the house of representatives to take his or her place on the board for meetings at which the member will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each member of the senate who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member of the commerce and labor committee of the senate to take his or her place on the board for meetings at which the member will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each agency head of an executive agency who is appointed to serve as a nonvoting advisory member of the community economic revitalization board under RCW 43.160.030 may designate an agency employee to take his or her place on the board for meetings at which the agency head will be absent. The designee will have all powers to participate in board deliberations as have the other board members but shall not have voting powers.

Sec. 4. Section 5, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.050 are each amended to read as follows:

~~((In addition to powers and duties granted elsewhere in this chapter,))~~

The board may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business~~((;))~~;

(2) Adopt an official seal and alter the seal at its pleasure~~((;))~~;

(3) Contract with any consultants as may be necessary or desirable for its purposes and to fix the compensation of the consultants~~((;))~~;

(4) Utilize the services of other governmental agencies~~((;))~~;

(5) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants~~((;))~~;

(6) Conduct examinations and investigations and take testimony at public or private hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers~~((;))~~;

(7) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter~~((;))~~;

(8) Exercise all the powers of a public corporation under chapter 39.84 RCW.

(9) Invest any funds received in connection with industrial development revenue bond financing not required for immediate use, as the board considers appropriate, subject to any agreements with owners of bonds.

(10) Arrange for lines of credit for industrial development revenue bonds from and enter into participation agreements with any financial institution.

(11) Issue industrial development revenue bonds in one or more series for the purpose of defraying the cost of acquiring or improving any industrial development facility or facilities and securing the payment of the bonds as provided in this chapter.

(12) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.

(13) Sell, purchase, or insure loans to finance the costs of industrial development facilities.

(14) Service, contract, and pay for the servicing of loans for industrial development facilities.

(15) Provide financial analysis and technical assistance for industrial development facilities when the board reasonably considers it appropriate.

(16) Collect, with respect to industrial development revenue bonds, reasonable interest, fees, and charges for making and servicing its lease agreements, loan agreements, mortgage loans, notes, bonds, commitments, and other evidences of indebtedness. Interest, fees, and charges are limited to the amounts required to pay the costs of the board, including operating and administrative expenses and reasonable allowances for losses that may be incurred.

(17) Procure insurance or guarantees from any party as allowable under law, including a governmental agency, against any loss in connection with its lease agreements, loan agreements, mortgage loans, and other assets or property.

(18) Adopt rules under chapter 34.04 RCW as necessary to carry out the purposes of this chapter((;)).

~~((9))~~ (19) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

Sec. 5. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 3, chapter 466, Laws of 1985 and RCW 43.160.060 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when,

and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) ~~The board shall not make a grant or loan ((unless the application includes convincing evidence that a specific private development or expansion is ready to occur and will only occur if the grant or loan is made));~~

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions ((~~(a)~~)) (i) in manufacturing, production, food processing, assembly, warehousing, and industrial distribution, or ((~~(b)~~)) (ii) which substantially support the trading of goods or services outside of the state's borders. ((In no instance may the board make a grant or loan for a project where the primary purpose is to facilitate or promote a retail shopping development or expansion.))

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

~~(4) ((The board may not make a grant or loan for any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state:~~

~~(5) The board may not make any grant or loan for the acquisition of real property, including buildings and other fixtures which are a part of real property:~~

~~(6)) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.~~



~~((7) The board shall only make loans or grants for projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.~~

~~(8))~~ Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 6. Section 8, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 12, chapter 257, Laws of 1984 and RCW 43.160.080 are each amended to read as follows:

There shall be a fund known as the public facilities construction loan revolving fund, which shall consist of all moneys collected under this chapter, except moneys of the board collected in connection with the issuance of industrial development revenue bonds (~~under RCW 43.160.110 through 43.160.170~~), and any moneys appropriated to it by law: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the fund under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

Moneys in this fund not needed to meet the current expenses and obligations of the board shall be invested in the manner authorized for moneys in revolving funds. Any interest earned shall be deposited in this fund and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the board advising of the status of any funds invested, the market value of the assets as of the date the statement is rendered, and the income received from the investments during the period covered by the report.

Sec. 7. Section 14, chapter 164, Laws of 1985 and RCW 43.160.115 are each amended to read as follows:

In addition to its powers and duties under this chapter, the community economic revitalization board shall cooperate with the Washington state development loan fund committee in order to provide for coordination of their very similar programs. Under this chapter, it is the duty of the department of ~~((commerce))~~ trade and economic development and the board

to financially assist the committee to the extent required by law. Funds appropriated to the board or the department of ~~((commerce))~~ trade and economic development for the use of the board shall be transferred to the department of community development to the extent required by law.

Sec. 8. Section 7, chapter 257, Laws of 1984 and RCW 43.160.140 are each amended to read as follows:

The board may create and administer funds and accounts and establish such funds and accounts with financial institutions as are necessary to implement its duties under RCW 43.160.050 (8) through (17) and 43.160.100 through 43.160.170.

Sec. 9. Section 15, chapter 446, Laws of 1985 and RCW 43.160.180 are each amended to read as follows:

(1) There is hereby created the private activity bond subcommittee of the board.

(2) The subcommittee shall be primarily responsible for reviewing and making recommendations to the board on requests for certification and allocation pursuant to the provisions of chapter 39.86 RCW and as authorized by rules adopted by the board.

(3) The subcommittee shall consist of the following members: ~~((Five))~~ Six members of the board including: (a) The ~~((chairman))~~ chair; (b) the county official; (c) the city official; (d) the port district official; ~~((and))~~ (e) a legislator, appointed by the chair; and (f) the representative of the public. The members' terms shall coincide with their terms of appointment to the board.

(4) Staff support to the subcommittee shall be provided by the department of trade and economic development.

(5) Members of the subcommittee shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(6) If a vacancy on the subcommittee occurs by death, resignation, failure to hold the office from which the member was appointed, or otherwise, the vacancy shall be filled through the procedures specified for filling the corresponding vacancy on the board.

Sec. 10. Section 25, chapter 446, Laws of 1985 and RCW 43.160.900 are each amended to read as follows:

The community economic revitalization board and its powers and duties shall be terminated on June 30, ~~((1987))~~ 1993, and shall be subject to the procedures required by chapter 43.131 RCW. This chapter expires June 30, ~~((1988))~~ 1994. Any remaining duties of the community economic revitalization board after June 30, ~~((1987,))~~ 1993, regarding repayment of loans made by the community economic revitalization board are transferred to the department of revenue on June 30, ~~((1987))~~ 1993.

**NEW SECTION.** Sec. 11. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 433, Laws of 1985 and RCW 43.160.073; and
- (2) Section 4, chapter 257, Laws of 1984 and RCW 43.160.110.

**NEW SECTION.** Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 24, 1987.

Passed the Senate April 24, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 423

[Substitute House Bill No. 782]

### LOBBYIST REPORTING

AN ACT Relating to reporting by lobbyists; and amending RCW 42.17.170 and 42.17.180.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 17, chapter 1, Laws of 1973 as last amended by section 9, chapter 367, Laws of 1985 and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report ~~((, which))~~. As used in this section, "lobbying activities" includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any

portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expenses incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.04 RCW and chapter 28B.19 RCW (the state administrative procedure acts) and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period.

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

Sec. 2. Section 18, chapter 1, Laws of 1973 as last amended by section 6, chapter 34, Laws of 1984 and RCW 42.17.180 are each amended to read as follows:

Every employer of a lobbyist registered under this chapter during the preceding calendar year shall file with the commission on or before March 31st of each year a statement disclosing for the preceding calendar year the following information:

(1) The name of each state elected official and the name of each candidate for state office who was elected to the office and any member of the immediate family of those persons to whom the employer has paid any

compensation in the amount of five hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which the person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of the compensation in accordance with the reporting provisions set out in RCW 42.17.241(2), and the consideration given or performed in exchange for the compensation.

(2) The name of each state elected official, successful candidate for state office, or members of his immediate family to whom the lobbyist employer made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of the expenditures and the purpose for the expenditures. For the purposes of this subsection, the term expenditure shall not include any expenditure made by the employer in the ordinary course of business if the expenditure is not made for the purpose of influencing, honoring, or benefiting the elected official, successful candidate, or member of his immediate family, as an elected official or candidate.

(3) The total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise. For the purposes of this subsection, "lobbying purposes" includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.

(4) All contributions made to a candidate for state office, to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a state-wide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

(5) The name and address of each registered lobbyist employed by the employer and the total expenditures made by the employer for each such lobbyist for lobbying purposes. As used in this subsection, "lobbying purposes" includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.

(6) Such other information as the commission prescribes by rule.

Passed the House April 25, 1987.

Passed the Senate April 24, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 424

[Substitute House Bill No. 1160]

## ROADWAY AND MAINTENANCE PROJECTS—CERTAIN DAY LABOR AND BID REQUIREMENTS SUSPENDED FOR PILOT PROJECT ON COST-EFFECTIVE SPENDING

AN ACT Relating to roadway and maintenance project costs; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature recognizes the importance of cost-effective spending on roadway and maintenance projects in its responsibility to the citizens of the state to develop and maintain the best transportation network possible with the funds available. It is the intent and purpose of this act to determine whether existing practices should be modified or retained. A pilot program using the project cost evaluation methodology recommended in the 1986 study made by the legislative transportation committee may be implemented by and under the direction of the legislative transportation committee.

The key issues identified in the study include cost accounting systems, level playing field; local tax impact of contracting out work, overhead cost allocation, accounting for materials and equipment, inspection and quality control requirements, impact of bid limits, labor and union agreements, interagency contracting, self-insurance costs, definitions of construction and maintenance, and essential services provided by governmental agencies.

The program shall be in two parts. Part one shall consist of cities and counties that have volunteered and subsequently have been approved by the legislative transportation committee in consultation with the Association of Washington Cities and the Washington State Association of Counties and represent the various demographic and geographic components of the state. Jurisdictions participating in part one of the programs shall use the project cost evaluation methodology for evaluation of projects. The projects shall be performed based on the lowest estimated cost regardless of who had performed the work historically. Competitive bidding procedures currently in use by public agencies shall be used by the participating counties and cities. No public employee shall be displaced or terminated as a result of the operation of this pilot program. Part two shall consist of a portion of a district or districts chosen by the department of transportation. The department shall use the project cost evaluation methodology to evaluate its projects and draw conclusions as to which projects would have been done in-house and which would have been contracted out had the department been operating under the requirements of part one of the pilot program.

**NEW SECTION.** Sec. 2. The legislature finds that if the legislative transportation committee decides to implement the pilot program it is necessary to temporarily suspend the application of certain statutes regulating bid and day labor limits for roadway construction and maintenance projects for the purposes of this pilot program. The following statutes are suspended as to the participating cities and counties chosen under section 1 of this act for the period July 1, 1987, through June 30, 1990, and only insofar as the statutes relate to bid and day labor limits for roadway construction and maintenance projects: RCW 35.22.620, 35.23.352, 35A.40.210, 36.77.020, 36.77.065, 36.33A.010, and 39.12.020.

**NEW SECTION.** Sec. 3. The department of transportation and each of the participating cities and counties shall report to the legislature on the outcome of this pilot program on or before February 15, 1990, and shall provide to the legislative transportation committee such reports and other items as the committee may desire.

**NEW SECTION.** Sec. 4. The participating cities and counties shall apply to and be reimbursed by the department of transportation for all reasonable additional costs directly relating to their participation in the pilot project.

**NEW SECTION.** Sec. 5. Sections 1 through 4 of this act shall expire on June 30, 1990, unless extended by law.

Passed the House April 22, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 425

[Engrossed Senate Bill No. 5035]

### INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION—EXPIRATION DATE EXTENDED—STUDY POSSIBLE DESIGNATION AS AN EXECUTIVE AGENCY

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

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 5, chapter 206, Laws of 1981 and RCW 43.99.115 are each amended to read as follows:

The interagency committee for outdoor recreation shall cease to exist on June 30, (~~(+1987)~~) 1989, unless extended by law for an additional fixed period of time.

By January 1, 1989, the governor's office shall recommend to the legislature whether the interagency committee for outdoor recreation should be located within an executive department or retained as a separate agency. It

is the intent of the legislature to maintain the committee's general structure and independence from those agencies to which it may distribute funds.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 26, 1987.

Passed the House April 25, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 426

[Engrossed Senate Bill No. 5201]

### STATE EMPLOYEE CONFLICTS OF INTEREST

AN ACT Relating to conflicts of interest; amending RCW 42.18.230; adding new sections to chapter 42.18 RCW; and repealing RCW 42.18.160 and 42.18.220.

Be it enacted by the Legislature of the State of Washington:

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.

Passed the Senate April 18, 1987.

Passed the House April 8, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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CHAPTER 427

[Substitute Senate Bill No. 5846]

BOATING SAFETY

AN ACT Relating to boating safety; and adding new sections to chapter 43.51 RCW.

Be it enacted by the Legislature of the State of Washington:

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.***

**\*Sec. 2 was vetoed, see message at end of chapter.**

**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.

Passed the Senate April 26, 1987.

Passed the House April 25, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

## CHAPTER 428

[Engrossed House Bill No. 1034]

## RAIL DEVELOPMENT ACCOUNT—SPECIAL MOTOR VEHICLE EXCISE TAX

AN ACT Relating to establishment of a rail development account; 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.

Be it enacted by the Legislature of the State of Washington:

**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)((;)) and 82.44.030, ((and 82.44.070;)) from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(5)((;)) and 82.44.030, ((and 82.44.070;)) from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products

shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund except taxes collected under RCW 82.44.020(5). A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to two percent of all motor vehicle excise tax receipts, except taxes collected under RCW 82.44.020(5), shall be allocable to the county sales and use tax equalization account under RCW 82.14.200; 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.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 429

[Engrossed Substitute House Bill No. 1035]  
RAIL DEVELOPMENT COMMISSION

AN ACT Relating to the rail development commission; creating new sections; declaring an emergency; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature finds that in many areas of the state, alternatives to highway transportation are necessary to adequately move the state's citizens and its commerce. In rural areas, continued railroad abandonments have reduced the options for transportation of agricultural products and threaten the economic health of many areas of the state. While rail lines lie idle, increased volumes of truck traffic require significant improvement of rural public roads.

The legislature finds that in urban areas, ever-increasing volumes of traffic congest the highway system vital to the movement of people, goods, and services in metropolitan areas. Without relief, these arteries will no longer provide the mobility for which they were intended.

The legislature seeks to provide for a comprehensive examination of the rail freight issue and rail passenger service, particularly urban rail systems.

It is the intent of the legislature to establish a temporary commission, made up of persons interested in and affected by these rail issues. This commission shall make recommendations to the legislature regarding future Washington policy for rail freight and rail passenger service. It is further the intent that this commission should also address future use of rail corridors and rights of way in this state, as they relate to such services. In developing recommendations, the legislature desires that the commission use the numerous studies and plans on these subjects that have been completed.

**NEW SECTION.** Sec. 2. (1) The rail development commission is created to carry out the functions of this act. The commission shall consist of nineteen voting members.

(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 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.

(4) The chair of the legislative transportation committee shall appoint four members of the legislature to serve as nonvoting members of the commission.

**NEW SECTION.** Sec. 3. The commission shall choose a chair from among its membership and shall adopt rules related to its powers and duties under this act. Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 44.04.120, as appropriate. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. Expenses of the commission shall be paid from the rail development account. The commission has all powers necessary to carry out its duties as prescribed by this act. The commission shall be dissolved on June 30, 1989.

**NEW SECTION.** Sec. 4. The commission may employ staff as necessary to carry out this act. The legislative transportation committee, the

Washington state transportation center, and the department of transportation may provide additional staff support for the commission. The legislative transportation committee must approve the commission's budget plan before the commission may expend funds.

**NEW SECTION.** Sec. 5. The commission shall study the following subjects:

(1) Rail freight systems, including:

(a) Funding levels necessary to address the state rail assistance account and loan programs for local rail efforts and to preserve essential rail freight corridors;

(b) Any institutional changes necessary to enhance state and local rail freight efforts; and

(2) Rail passenger systems, including:

(a) Light rail planning efforts and evaluation of institutional alternatives for constructing and operating any viable systems, and recommend preferred options;

(b) Recommended actions for interim steps and an appropriate timetable to develop such a future system including right of way preservation, environmental impact studies, preliminary engineering, and similar items;

(c) Long-term funding necessary for such systems and recommendations regarding sources to include a subsidy or fare-box ratios, or both;

(d) The role of Amtrak-type service or commuter service in rail passenger movements and the state and local relationship to such service;

(e) The future of high-speed rail transit, including the desirability of intercity corridor preservation.

**NEW SECTION.** Sec. 6. The commission shall report to the legislative transportation committee on the rail freight program by December 1, 1987. Recommendations on the remainder of study shall be submitted by December 1, 1988, with an interim report in December 1987, recommending items that need to be addressed more quickly.

**NEW SECTION.** Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 25, 1987.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 430

[Substitute House Bill No. 413]

## CHILD SUPPORT ORDER MODIFICATION

AN ACT Relating to modification of child support orders; amending RCW 26.09.170 and 26.09.100; and adding a new section to chapter 26.09 RCW.

Be it enacted by the Legislature of the State of Washington:

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.

Passed the House April 21, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 431

[Engrossed Substitute House Bill No. 99]

### HEALTH INSURANCE COVERAGE ACCESS ACT

AN ACT Relating to health insurance coverage access for those persons otherwise uninsurable; adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 48 RCW; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. This chapter shall be known and may be cited as the "Washington state health insurance coverage access act".

**NEW SECTION.** Sec. 2. It is the purpose and intent of the legislature to provide access to health insurance coverage to all residents of Washington who are denied adequate health insurance for any reason. It is the intent of the legislature that adequate levels of health insurance coverage be made available to residents of Washington who are otherwise considered uninsurable or who are underinsured. It is the intent of the Washington state health insurance coverage access act to provide a mechanism to insure the availability of comprehensive health insurance to persons unable to obtain such insurance coverage on either an individual or group basis directly under any health plan.

**NEW SECTION.** Sec. 3. As used in this chapter, the following terms have the meaning indicated, unless the context requires otherwise:

- (1) "Administrator" means the entity chosen by the board to administer the pool under section 8 of this act.
- (2) "Board" means the board of directors of the pool.
- (3) "Commissioner" means the insurance commissioner.
- (4) "Health care facility" has the same meaning as in RCW 70.38.025.

(5) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.

(6) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

(7) "Health insurance" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, civilian health and medical program for the uniform services (CHAMPUS), 10 U.S.C. 55, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(8) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health insurance" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health insurance" in subsection (7) of this section.

(9) "Insured" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(10) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

(11) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

(12) "Member" means any commercial insurer which provides disability insurance, any health care service contractor, and any health maintenance organization licensed under Title 48 RCW. "Member" shall also mean, as soon as authorized by federal law, employers and other entities,

including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after the effective date of this section. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products.

(13) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to section 5 of this act.

(14) "Pool" means the Washington state health insurance pool as created in section 4 of this act.

(15) "Substantially equivalent health plan" means a "health plan" as defined in subsection (8) of this section which, in the judgment of the board or the administrator, offers persons including dependents or spouses covered or making application to be covered by this pool an overall level of benefits deemed approximately equivalent to the minimum benefits available under this pool.

**NEW SECTION.** Sec. 4. (1) There is hereby created a nonprofit entity to be known as the Washington state health insurance pool. All members in this state on or after the effective date of this section shall be members of the pool. When authorized by federal law, all self-insured employers as designated by federal law shall also be members of the pool.

(2) Pursuant to chapter 34.04 RCW the commissioner shall, within ninety days after the effective date of this section, give notice to all members of the time and place for the initial organizational meetings of the pool. A board of directors shall be established, which shall be comprised of nine members. The commissioner shall select three members of the board who shall represent (a) the general public, (b) health care providers, and (c) health insurance agents. The remaining members of the board shall be selected by election from among the members of the pool. The elected members shall, to the extent possible, include at least one representative of health care service contractors, one representative of health maintenance organizations, and one representative of commercial insurers which provides disability insurance. When self-insured organizations become eligible for participation in the pool, one member of the board shall represent the self-insurers.

(3) The original members of the board of directors shall be appointed for intervals of one to three years. Thereafter, all board members shall serve a term of three years. Board members shall receive no compensation, but shall be reimbursed for all travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall submit to the commissioner a plan of operation for the pool and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the pool. The commissioner shall, after notice and hearing pursuant to chapter 34.04 RCW, approve the



plan of operation if it is determined to assure the fair, reasonable, and equitable administration of the pool and provides for the sharing of pool losses on an equitable, proportionate basis among the members of the pool. The plan of operation shall become effective upon approval in writing by the commissioner consistent with the date on which the coverage under this chapter must be made available. If the board fails to submit a plan of operation within one hundred eighty days after the appointment of the board or any time thereafter fails to submit acceptable amendments to the plan, the commissioner shall, within ninety days after notice and hearing pursuant to chapters 34.04 and 48.04 RCW, adopt such rules as are necessary or advisable to effectuate this chapter. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the board and approved by the commissioner.

NEW SECTION. Sec. 5. The plan of operation submitted by the board to the commissioner shall:

- (1) Establish procedures for the handling and accounting of assets and moneys of the pool;
- (2) Establish regular times and places for meetings of the board of directors;
- (3) Establish procedures for records to be kept of all financial transactions and for an annual fiscal reporting to the commissioner;
- (4) Contain additional provisions necessary and proper for the execution of the powers and duties of the pool;
- (5) Establish procedures for the collection of assessments from all members to provide for claims paid under the plan and for administrative expenses incurred or estimated to be incurred during the period for which the assessment is made;
- (6) Establish the amount of assessment pursuant to section 6 of this act, which shall occur after March 1st of each calendar year, and which shall be due and payable within thirty days of the receipt of the assessment notice;
- (7) Select an administrator in accordance with section 8 of this act;
- (8) Develop and implement a program to publicize the existence of the plan, the eligibility requirements and procedures for enrollment, and to maintain public awareness of the plan; and
- (9) Establish procedures under which applicants and participants may have grievances reviewed by an impartial body and reported to the board.

NEW SECTION. Sec. 6. The board shall have the general powers and authority granted under the laws of this state to insurance companies licensed to transact the kinds of insurance defined under this title. In addition thereto, the board may:

- (1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of

other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(2) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(3) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, agent referral fees, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices;

(4) Assess members of the pool in accordance with the provisions of this chapter, and to make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim expenses will be credited as offsets against any regular assessments due following the close of the calendar year;

(5) Issue policies of insurance in accordance with the requirements of this chapter;

(6) Appoint appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(7) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

**NEW SECTION.** Sec. 7. The pool shall be subject to examination by the commissioner as provided under chapter 48.03 RCW. The board of directors shall submit, not later than March 1st of each year, a financial report for the preceding calendar year in a form approved by the commissioner. The board of directors shall further report to the appropriate standing committees of each house of the legislature by March 1st of each year.

**NEW SECTION.** Sec. 8. The board shall select an administrator through a competitive bidding process to administer the pool.

(1) The board shall evaluate bids based upon criteria established by the board, which shall include:

(a) The administrator's proven ability to handle accident and health insurance;

(b) The efficiency of the administrator's claim-paying procedures;

(c) An estimate of the total charges for administering the plan; and

(d) The administrator's ability to administer the pool in a cost-effective manner.

(2) The administrator shall serve for a period of three years subject to removal for cause. At least one year prior to the expiration of each three-year period of service by the administrator, the board shall invite all interested parties, including the current administrator, to submit bids to serve as the administrator for the succeeding three-year period. Selection of the administrator for this succeeding period shall be made at least six months prior to the end of the current three-year period.

(3)(a) The administrator shall perform all eligibility and administrative claim payment functions relating to the pool;

(b) The administrator shall establish a premium billing procedure for collection of premiums from insured persons. Billings shall be made on a periodic basis as determined by the board, which shall not be more frequent than a monthly billing;

(c) The administrator shall perform all necessary functions to assure timely payment of benefits to covered persons under the pool including:

(i) Making available information relating to the proper manner of submitting a claim for benefits to the pool, and distributing forms upon which submission shall be made; and

(ii) Evaluating the eligibility of each claim for payment by the pool;

(d) The administrator shall submit regular reports to the board regarding the operation of the pool. The frequency, content, and form of the report shall be as determined by the board;

(e) Following the close of each calendar year, the administrator shall determine net written and earned premiums, the expense of administration, and the paid and incurred losses for the year and report this information to the board and the commissioner on a form as prescribed by the commissioner;

(f) The administrator shall be paid as provided in the plan of operation for its expenses incurred in the performance of its services.

**NEW SECTION.** Sec. 9. (1) Following the close of each calendar year, the pool administrator shall determine the net premium (premiums less administrative expense allowances), the pool expenses of administration, and incurred losses for the year, taking into account investment income and other appropriate gains and losses.

(2)(a) Each member's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the member with the commissioner; and shall be determined by multiplying the total cost of pool operation by a fraction, the numerator of which equals that member's total number of resident insured persons, including spouse and dependents under the member's health plan in the state during the preceding calendar year, and the denominator of which equals the total number of resident insured

persons including spouses and dependents insured under all health plans in the state by pool members.

(b) Any deficit incurred by the pool shall be recouped by assessments among members apportioned under this subsection pursuant to the formula set forth by the board among members.

(3) The board may abate or defer, in whole or in part, the assessment of a member if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. If an assessment against a member is abated or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in subsection (2) of this section. The member receiving such abatement or deferment shall remain liable to the pool for the deficiency for four years.

(4) If assessments exceed actual losses and administrative expenses of the pool, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

**NEW SECTION.** Sec. 10. (1) Any individual person who is a resident of this state is eligible for coverage upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on health insurance, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk, by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person who is at the time of pool application eligible for medical assistance;

(b) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums;

(c) Any person on whose behalf the pool has paid out five hundred thousand dollars in benefits;

(d) Inmates of public institutions and persons whose benefits are duplicated under public programs.

(3) Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium may apply for coverage under the plan.

**NEW SECTION.** Sec. 11. (1) The administrator shall prepare a brochure outlining the benefits and exclusions of the pool policy in plain language. After approval by the board of directors, such brochure shall be made reasonably available to participants or potential participants. The health insurance policy issued by the pool shall pay only usual, customary,

and reasonable charges for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of illnesses, injuries, and conditions which are not otherwise limited or excluded. Eligible expenses are the usual, customary, and reasonable charges for the health care services and items for which benefits are extended under the pool policy. Such benefits shall at minimum include, but not be limited to, the following services or related items:

(a) Hospital services, including charges for the most common semi-private room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners:

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Services of a physical therapist and services of a speech therapist;

- (o) Hospice services;
- (p) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and
- (q) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

(2) The board shall design and employ cost containment measures and requirements such as, but not limited to, preadmission certification and concurrent inpatient review which may make the pool more cost-effective.

(3) The pool benefit policy may contain benefit limitations, exceptions, and reductions that are generally included in health insurance plans and are approved by the insurance commissioner; however, no limitation, exception, or reduction may be approved that would exclude coverage for any disease, illness, or injury.

**NEW SECTION.** Sec. 12. (1) Subject to the limitation provided in subsection (3) of this section, a pool policy offered in accordance with this chapter shall impose a deductible. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

(2) Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at the rate of twenty percent of eligible expenses in excess of the mandatory deductible.

(3) The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance shall not exceed in a policy year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per policy year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per policy year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

(4) Eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

**NEW SECTION.** Sec. 13. All policy forms issued by the pool shall conform in substance to prototype forms developed by the pool, and shall in all other respects conform to the requirements of this chapter, and shall be filed with and approved by the commissioner before they are issued. The pool shall not issue a pool policy to any individual who, on the effective date

of the coverage applied for, already has or would have coverage substantially equivalent to a pool policy as an insured or covered dependent, or who would be eligible for such coverage if he elected to obtain it at a lesser premium rate.

**NEW SECTION, Sec. 14.** (1) Coverage shall provide that health insurance benefits are applicable to children of the person in whose name the policy is issued including adopted and newly born natural children. Coverage shall also include necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. If payment of a specific premium is required to provide coverage for the child, the policy may require that notification of the birth or adoption of a child and payment of the required premium must be furnished to the pool within thirty-one days after the date of birth or adoption in order to have the coverage continued beyond the thirty-one day period. For purposes of this subsection, a child is deemed to be adopted, and benefits are payable, when the child is physically placed for purposes of adoption under the laws of this state with the person in whose name the policy is issued; and, when the person in whose name the policy is issued assumes financial responsibility for the medical expenses of the child. For purposes of this subsection, "newly born" means, and benefits are payable, from the moment of birth.

(2) A pool policy shall provide that coverage of a dependent, unmarried person shall terminate when the person becomes nineteen years of age: **PROVIDED**, That coverage of such person shall not terminate at age nineteen while he or she is and continues to be both (a) incapable of self-sustaining employment by reason of developmental disability or physical handicap and (b) chiefly dependent upon the person in whose name the policy is issued for support and maintenance, provided proof of such incapacity and dependency is furnished to the pool by the policy holder within thirty-one days of the dependent's attainment of age nineteen and subsequently as may be required by the pool but not more frequently than annually after the two-year period following the dependent's attainment of age nineteen.

(3) A pool policy may contain provisions under which coverage is excluded during a period of six months following the effective date of coverage as to a given covered individual for preexisting conditions, as long as medical advice or treatment was recommended or received within a period of six months before the effective date of coverage.

These preexisting condition exclusions shall be waived to the extent to which similar exclusions have been satisfied under any prior health insurance which was for any reason other than nonpayment of premium involuntarily terminated, if the application for pool coverage is made not later than thirty days following the involuntary termination. In that case, with payment of appropriate premium, coverage in the pool shall be effective from the date on which the prior coverage was terminated.

**NEW SECTION.** Sec. 15. (1) The board shall offer a medical supplement policy for persons receiving medicare benefits. The supplement policy shall provide coverage of one hundred percent of the deductible and copayment required under medicare and eighty percent of the charges for covered services under this chapter that are not paid by medicare. The coverage shall include a limitation of one thousand dollars per person on total annual out-of-pocket expenses for the covered services.

(2) If federal law is adopted that addresses this subject, the board shall offer a policy that is consistent with that federal law.

**NEW SECTION.** Sec. 16. (1) A pool policy offered under this chapter shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with section 15 of this act.

(2) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

(3) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

**NEW SECTION.** Sec. 17. The commissioner shall adopt rules pursuant to chapter 34.04 RCW that:

(1) Provide for disclosure by the member of the availability of insurance coverage from the pool; and

(2) Implement this chapter.

**NEW SECTION.** Sec. 18. (1) Commencing with the effective date of this section, every member shall provide a notice and an application for coverage by the pool to any person who receives a rejection of coverage for health insurance or health care services, or has any health condition limited or excluded. The notice shall state that the person is eligible to apply for health insurance provided by the pool.

(2) Members of the pool shall provide the brochure outlining the benefits and exclusions of the pool policy to any person who is rejected by a member or who is offered a policy containing restrictive riders, up-rated premiums, or a preexisting conditions limitation on a health insurance plan.

**NEW SECTION.** Sec. 19. Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal



liability or penalty against the pool or members of it either jointly or separately.

**NEW SECTION.** Sec. 20. The pool shall determine the standard risk rate by calculating the average group standard rate for groups comprised of up to ten persons charged by the five largest members offering coverages in the state comparable to the pool coverage. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage. Maximum rates for pool coverage shall be one hundred fifty percent of the rates established as applicable for group standard risks in groups comprised of up to ten persons. All rates and rate schedules shall be submitted to the commissioner for approval.

**NEW SECTION.** Sec. 21. It is the express intent of this chapter that the pool be the last payor of benefits whenever any other benefit is available.

(1) Benefits otherwise payable under pool coverage shall be reduced by all amounts paid or payable through any other health insurance, or health benefit plans, including but not limited to self-insured plans and by all hospital and medical expense benefits paid or payable under any worker's compensation coverage, automobile medical payment or liability insurance whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any state or federal law or program.

(2) The administrator or the pool shall have a cause of action against an eligible person for the recovery of the amount of benefits paid which are not for covered expenses. Benefits due from the pool may be reduced or refused as a set-off against any amount recoverable under this subsection.

**NEW SECTION.** Sec. 22. If any part of this chapter 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 this chapter 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 this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION.** Sec. 23. A new section is added to chapter 48.14 RCW to read as follows:

(1) The taxes imposed in RCW 48.14.020 do not apply to premiums collected or received for policies of insurance issued under sections 1 through 21 of this act.

(2) In computing tax due under RCW 48.14.020, there may be deducted from taxable premiums the amount of any assessment against the

taxpayer under sections 1 through 21 of this act. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be carried forward and deducted in successive years until the deduction is exhausted.

**NEW SECTION.** Sec. 24. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax the amount of any assessment against the taxpayer under sections 1 through 21 of this act. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be carried forward and deducted in successive years until the deduction is exhausted. Amounts deducted under section 23 of this act may not be deducted under this section.

**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. The board shall report to the commissioner and the appropriate committees of the legislature by April 1, 1990, on the implementation of this act. The report shall include information regarding enrollment, coverage utilization, cost, and any problems with the program and suggest remedies.

**NEW SECTION.** Sec. 27. Sections 1 through 22 of this act shall constitute a new chapter in Title 48 RCW.

**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.

Passed the House April 20, 1987.

Passed the Senate April 13, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 432

[Substitute House Bill No. 63]

### LAKE MANAGEMENT DISTRICTS—RATES AND CHARGES—REVENUE BONDS—DISTRICT FORMATION

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

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 398, Laws of 1985 and RCW 36.61.010 are each amended to read as follows:

The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by eutrophication and other deterioration and that existing governmental authorities are unable to adequately improve and maintain the quality of the state's lakes.

It is the purpose of this chapter to establish a governmental mechanism by which property owners can embark on a program of lake improvement and maintenance for their and the general public's benefit, health, and welfare. Public property, including state property, shall be considered the same as private property in this chapter, except liens for special assessments and liens for rates and charges shall not extend to public property. Lake bottom property shall not be considered to be benefited, shall not be subject to special assessments or rates and charges, and shall not receive voting rights under this chapter.

Sec. 2. Section 2, chapter 398, Laws of 1985 and RCW 36.61.020 are each amended to read as follows:

Any county may create lake management districts to finance the improvement and maintenance of lakes located within or partially within the boundaries of the county. All or a portion of a lake and the adjacent land areas may be included within one or more lake management districts. More than one lake, or portions of lakes, and the adjacent land areas may be included in a single lake management district. A lake management district may be created for a period of up to ten years.

Special assessments or rates and charges may be imposed on the property included within a lake management district to finance lake improvement and maintenance activities, including: (1) The control or removal of aquatic plants and vegetation; (2) water quality; (3) the control of water levels; (4) storm water diversion and treatment; (5) agricultural waste control; (6) studying lake water quality problems and solutions; (7) cleaning and maintaining ditches and streams entering or leaving the lake; and (8) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake management district.

Special assessments or rates and charges may be imposed annually on all the land in a lake management district for the duration of the lake management district without a related issuance of lake management district bonds or revenue bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake management district bonds.

Sec. 3. Section 3, chapter 398, Laws of 1985 and RCW 36.61.030 are each amended to read as follows:

A lake management district may be initiated upon either the adoption of a resolution of intention by a county legislative authority or the filing of a petition signed by ten landowners or ~~((twenty-five))~~ the owners of at least fifteen percent of the ~~((landowners))~~ acreage contained within the proposed lake management district, whichever is greater. A petition or resolution of intention shall set forth: (1) The nature of the lake improvement or maintenance activities proposed to be financed; (2) the amount of money proposed to be raised by special assessments or rates and charges; (3) if special assessments are to be imposed, whether the special assessments will be imposed annually for the duration of the lake management district, or the full special assessments will be imposed at one time, with the possibility of installments being made to finance the issuance of lake management district bonds, or both methods; (4) if rates and charges are to be imposed, the annual amount of revenue proposed to be collected and whether revenue bonds payable from the rates and charges are proposed to be issued; (5) the number of years proposed for the duration of the lake management district; and ~~((5))~~ (6) the proposed boundaries of the lake management district.

The county legislative authority may require the posting of a bond of up to five thousand dollars before the county considers the proposed creation of a lake management district initiated by petition. The bond may only be used by the county to finance its costs in studying, holding hearings, making notices, preparing special assessment rolls or rolls showing the rates and charges on each parcel, and conducting elections related to the lake management district if the proposed lake management district is not created.

A resolution of intention shall also designate the number of the proposed lake management district, and fix a date, time, and place for a public hearing on the formation of the proposed lake management district. The date for the public hearing shall be at least thirty days and no more than ninety days after the adoption of the resolution of intention unless an emergency exists.

Petitions shall be filed with the county legislative authority. The county legislative authority shall determine the sufficiency of the signatures, which shall be conclusive upon all persons. No person may withdraw his or her name from a petition after it is filed. If the county legislative authority determines a petition to be sufficient and the proposed lake management district appears to be in the public interest and the financing of the lake improvement or maintenance activities is feasible, it shall adopt a resolution of intention, setting forth all of the details required to be included when a resolution of intention is initiated by the county legislative authority.

Sec. 4. Section 4, chapter 398, Laws of 1985 and RCW 36.61.040 are each amended to read as follows:

Notice of the public hearing shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed lake management district, the date of the first publication to be at least fifteen days prior to the date fixed for the public hearing by the resolution of intention. Notice of the public hearing shall also be given to the owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county assessor at the address shown thereon. Notice of the public hearing shall also be mailed to the departments of fisheries, game, and ecology at least fifteen days before the date fixed for the public hearing.

Notices of the public hearing shall: (1) Refer to the resolution of intention; (2) designate the proposed lake management district by number; (3) set forth a proposed plan describing: (a) The nature of the proposed lake improvement or maintenance activities; (b) the amount of special assessments or rates and charges proposed to be raised by the lake management district; (c) if special assessments are proposed to be imposed, whether the special assessments will be imposed annually for the duration of the lake management district, or the full special assessments will be payable at one time, with the possibility of periodic installments being paid and lake management bonds being issued, or both; ~~((and))~~ (d) if rates and charges are proposed to be imposed, the annual amount of revenue proposed to be collected and whether revenue bonds payable from the rates and charges are proposed to be issued; and (e) the proposed duration of the lake management district; and (4) indicate the date, time, and place of the public hearing designated in the resolution of intention.

In the case of the notice sent to each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost of the lake improvement or maintenance activities to be borne by special assessment, or annual special assessments, or rates and charges on the lot, tract, parcel of land, or other property owned by the owner or reputed owner.

If the county legislative authority has designated a committee of itself or an officer to hear complaints and make recommendations to the full county legislative authority, as provided in RCW 36.61.060, the notice shall also describe this additional step before the full county legislative authority may adopt a resolution creating the lake management district.

Sec. 5. Section 6, chapter 398, Laws of 1985 and RCW 36.61.070 are each amended to read as follows:

After the public hearing, the county legislative authority may adopt a resolution submitting the question of creating the lake management district to the owners of land within the proposed lake management district, including publicly owned land, if the county legislative authority finds that it is in the public interest to create the lake management district and the financing

of the lake improvement and maintenance activities is feasible. The resolution shall also include: (1) A plan describing the proposed lake improvement and maintenance activities which avoid adverse impacts on fish and wildlife and provide for appropriate measures to protect and enhance fish and wildlife((;)); (2) the number of years the lake management district will exist((;)); (3) the amount to be raised by special assessments((;) or rates and charges; (4) if special assessments are to be imposed, whether the special assessments shall be imposed annually for the duration of the lake management district or only once with the possibility of installments being imposed and lake management bonds being issued, or both, and, if both types of special assessments are proposed to be imposed, the lake improvement or maintenance activities proposed to be financed by each type of special assessment; (5) if rates and charges are to be imposed, a description of the rates and charges and the possibility of revenue bonds being issued that are payable from the rates and charges; and (6) the estimated special assessment or rate and charge proposed to be imposed on each parcel included in the proposed lake management district.

No lake management district may be created by a county that includes territory located in another county without the approval of the legislative authority of the other county.

Sec. 6. Section 7, chapter 398, Laws of 1985 and RCW 36.61.080 are each amended to read as follows:

A ballot shall be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district, including publicly owned land, which ballot shall contain the following proposition:

"Shall lake management district No. . . . . be formed?

Yes... . . . .

No ... . . . . "

In addition, the ballot shall contain appropriate spaces for the signatures of the landowner or landowners, or officer authorized to cast such a ballot. Each ballot shall include a description of the property owner's property(~~(, the number of acres of such property, and the number of feet of lake front footage, if any))~~ and the estimated special assessment, or rate and charge, proposed to be imposed upon the property. A copy of the instructions and the resolution submitting the question to the landowners shall also be included.

Sec. 7. Section 8, chapter 398, Laws of 1985 and RCW 36.61.090 are each amended to read as follows:

The balloting shall be subject to the following conditions, which shall be included in the instructions mailed with each ballot, as provided in RCW 36.61.080: (1) All ballots must be signed by the owner or reputed owner of property according to the assessor's tax rolls; (2) each ballot must be returned to the county legislative authority not later than five o'clock p.m. of

a specified day, which shall be at least twenty but not more than thirty days after the ballots are mailed; (3) each property owner shall mark his or her ballot for or against the creation of the proposed lake management district, with the ballot weighted so that the property owner has one vote for ~~((any amount of property up to one acre and one vote for each additional acre, or major portion of an acre, he or she owns in the proposed lake management district and one vote for any amount up to fifty feet, and one vote for each additional fifty feet, or major portion thereof, of lake frontage he or she owns in the proposed lake management district))~~ each dollar of estimated special assessment or rate and charge proposed to be imposed on his or her property; and (4) the valid ballots shall be tabulated and a simple majority of the votes cast shall determine whether the proposed lake management district shall be approved or rejected.

Sec. 8. Section 9, chapter 398, Laws of 1985 and RCW 36.61.100 are each amended to read as follows:

If the proposal receives a simple majority vote in favor of creating the lake management district, the county legislative authority shall adopt an ordinance creating the lake management district and may proceed with establishing the special assessments or rates and charges, collecting the special assessments or rates and charges, and performing the lake improvement or maintenance activities. If a proposed lake management district includes more than one lake and its adjacent areas, the lake management district may only be established if the proposal receives a simple majority vote in favor of creating it by the voters on each lake and its adjacent areas. The county legislative authority shall publish a notice in a newspaper of general circulation in a lake management district indicating that such an ordinance has been adopted within ten days of the adoption of the ordinance.

The ballots shall be available for public inspection after they are counted.

NEW SECTION. Sec. 9. A new section is added to chapter 36.61 RCW to read as follows:

A special assessment, or rate and charge, on any lot, tract, parcel of land, or other property shall not be increased beyond one hundred ten percent of the estimated special assessment, or rate and charge, proposed to be imposed as provided in the resolution adopted in RCW 36.61.070, unless the creation of a lake management district is approved under another mailed ballot election that reflects the weighted voting arising from such increases.

Sec. 10. Section 16, chapter 398, Laws of 1985 and RCW 36.61.160 are each amended to read as follows:

Whenever special assessments are imposed, all property included within a lake management district shall be considered to be the property specially benefited by the lake improvement or maintenance activities and shall

be the property upon which special assessments are imposed to pay the costs and expenses of the lake improvement or maintenance activities, or such part of the costs and expenses as may be chargeable against the property specially benefited. The special assessments shall be imposed on property in accordance with the special benefits conferred on the property up to but not in excess of the total costs and expenses of the lake improvement or maintenance activities as provided in the special assessment roll.

Special assessments may be measured by front footage, acreage, the extent of improvements on the property, or any other factors that are deemed to fairly reflect special benefits, including those authorized under RCW 35.51.030. Special assessments may be calculated by using more than one factor. Zones around the public improvement may be used that reflect different levels of benefit in each zone that are measured by a front footage, acreage, the extent of improvements, or other factors.

Public property, including property owned by the state of Washington, shall be subject to special assessments to the same extent that private property is subject to the special assessments, except no lien shall extend to public property.

NEW SECTION. Sec. 11. A new section is added to chapter 36.61 RCW to read as follows:

Whenever rates and charges are to be imposed in a lake management district, the county legislative authority shall prepare a roll of rates and charges that includes those matters required to be included in a special assessment roll and shall hold a public hearing on the proposed roll of rates and charges as provided under RCW 36.61.120 through 36.61.150 for a special assessment roll. The county legislative authority shall have full jurisdiction and authority to fix, alter, regulate, and control the rates and charges imposed by a lake management district and may classify the rates or charges by any reasonable factor or factors, including benefit, use, front footage, acreage, the extent of improvements on the property, the type of improvements on the property, uses to which the property is put, service to be provided, and any other reasonable factor or factors. The flexibility to establish rates and charges includes the authority to reduce rates and charges on property owned by low-income persons.

Except as provided in this section, the collection of rates and charges, lien status of unpaid rates and charges, and method of foreclosing on such liens shall be subject to the provisions of chapter 36.94 RCW. Public property, including state property, shall be subject to the rates and charges to the same extent that private property is subject to them, except that liens may not be foreclosed on the public property, and the procedure for imposing such rates and charges on state property shall conform with the procedure provided for in chapter 79.44 RCW concerning the imposition of special assessments upon state property. The total amount of rates and



charges cannot exceed the cost of lake improvement or maintenance activities proposed to be financed by such rates and charges, as specified in the resolution of intention. Revenue bonds exclusively payable from the rates and charges may be issued by the county under chapter 39.46 RCW.

Passed the House April 26, 1987.

Passed the Senate April 8, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 433

[House Bill No. 1090]

### STUDENT LOANS—NONPROFIT ORGANIZATIONS INVOLVED WITH STUDENT LOANS—TAX EXEMPTIONS

AN ACT Relating to the taxation of nonprofit organizations involved with student loans; amending RCW 84.36.030; and adding a new section to chapter 82.04 RCW.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to gross income received by nonprofit organizations exempt from federal income tax under section 501(c)(3) of the internal revenue code of 1954, as amended, that are guarantee agencies under the federal guaranteed student loan program or that issue debt to provide or acquire student loans.

Sec. 2. Section 2, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 1, chapter 220, Laws of 1984 and RCW 84.36.030 are each amended to read as follows:

The following real and personal property shall be exempt from taxation:

(1) Property owned by nonprofit organizations or associations, organized and conducted for nonsectarian purposes, which shall be used for character-building, benevolent, protective or rehabilitative social services directed at persons of all ages. The sale of donated merchandise shall not be considered a commercial use of the property under this section if the proceeds are devoted to the furtherance of the purposes of the selling organization or association as specified in this paragraph.

(2) Property owned by any nonprofit church, denomination, group of churches, or an organization or association, the membership of which is comprised solely of churches or their qualified representatives, which is utilized as a camp facility if used for organized and supervised recreational

activities and church purposes as related to such camp facilities. The exemption provided by this paragraph shall apply to a maximum of two hundred acres of any such camp as selected by the church, including buildings and other improvements thereon.

(3) Property, including buildings and improvements required for the maintenance and safeguarding of such property, owned by nonprofit organizations or associations engaged in character building of boys and girls under eighteen years of age, and used for such purposes and uses, provided such purposes and uses are for the general public good: PROVIDED, That if existing charters provide that organizations or associations, which would otherwise qualify under the provisions of this paragraph, serve boys and girls up to the age of twenty-one years, then such organizations or associations shall be deemed qualified pursuant to this section.

(4) Property owned by all organizations and societies of veterans of any war of the United States, recognized as such by the department of defense, which shall have national charters, and which shall have for their general purposes and objects the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies.

(5) Property owned by all corporations, incorporated under any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(6) Property owned by nonprofit organizations exempt from federal income tax under section 501(c)(3) of the internal revenue code of 1954, as amended, that are guarantee agencies under the federal guaranteed student loan program or that issue debt to provide or acquire student loans.

(7) To be exempt under this section, the property must be used exclusively for the purposes for which exemption is granted, except as provided in RCW 84.36.805.

Passed the House March 18, 1987.

Passed the Senate April 9, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 434

[Engrossed Second Substitute House Bill No. 448]  
FAMILY INDEPENDENCE PROGRAM

AN ACT Relating to the family independence program; amending RCW 43.19.1901; adding a new chapter to Title 74 RCW; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. SHORT TITLE. This chapter may be cited as the family independence program.

NEW SECTION. Sec. 2. INTENT. The legislature hereby establishes as state policy the goal of economic independence for employable adults receiving public assistance, through employment, training, and education. The legislature finds that children living in families with incomes below the needs standard have reduced opportunities for physical and intellectual development. A family's economic future is frequently not improved by the current program.

Therefore, in order to break the cycle of poverty and dependence, a family independence program is established. Participating families are to receive benefits under this program at no less than they would otherwise have been entitled to receive.

The legislature finds that the state has a vital interest in ensuring that citizens who are in economic need are provided appropriate financial assistance. It is the intent of the legislature to maintain the existing partnership between state and federal government and that this program remain part of the federal welfare entitlement program. The legislature seeks federal authority for a five-year demonstration project and recognizes that waivers and congressional action may be required to achieve our purpose. The legislature does not seek a block grant approach to welfare.

The legislature recognizes that any program intended to assist new and current public assistance recipients will be more likely to succeed when the state, private sector, and recipients work together.

The legislature also recognizes the value of building on successful programs that utilize the development of networking and mentoring strategies to assist public assistance recipients to gain self-sufficiency. The legislature further encourages public-private cooperation in the areas of job readiness training, education, job training, and work opportunities.

The legislature finds that the goal of economic independence requires increased efforts to assist parents in exercising their children's right to economic support from absent parents.

The legislature recognizes the substantial participation in the workforce of women with preschool children, and the difficulty in reentering employment after long absences.

The legislature further recognizes that public assistance recipients can play a major role in setting their own goals.

The objectives of this chapter are to assure that: The maximum number of recipients of public assistance become independent and self-sufficient through employment, training, and education; financial incentives be available to recipients participating in job readiness, education, training, and work programs; the number of children growing up in poverty be substantially reduced; and unemployable recipients be afforded a basic level of financial and medical assistance consistent with the state's financial capabilities.

**\*NEW SECTION.** Sec. 3. DEFINITIONS. Unless the context requires to the contrary, the definitions in this section apply throughout this chapter.

(1) "Benchmark standard" is the basic monthly level of cash benefits, established according to family size, which equals the state's payment standard under the aid to families with dependent children program, plus an amount not less than the full cash equivalent of food stamps for which any family of such size would otherwise be eligible.

(2) "Department" means the department of social and health services.

(3) "Enrollee" means the head(s) of household of a family eligible to receive financial assistance or other services under the family independence program.

(4) "Executive committee" or "committee" means the family independence program executive committee, authorized by and subject to the provisions of this chapter, to make policy recommendations to the legislature and develop procedure, program standards, data collection and information systems for family independence programs, including making budget allocations, setting incentive rates within appropriated funds, setting cost-sharing requirements for child care and medical services, and making related financial reports under chapter 43.88 RCW.

(5) "Family independence program services" include but are not limited to job readiness programs, job creation, employment, work programs, training, education, family planning services, development of a mentor program, income and medical support, parent education, child care, and training in family responsibility and family management skills, including appropriate financial counseling and training on management of finances and use of credit.

(6) "***Family opportunity councils***" or "***councils***" means ***information exchange, networking, and mentoring organizations created through contracts between the department and private nonprofit community organizations providing assistance in self-sufficiency.***

(7) "Food stamps" means the food purchase benefit available through the United States department of agriculture.

(8) "Gross income" means the total income of an enrollee from earnings, cash assistance, and incentive benefit payments.

(9) "Incentive benefit payments" means those additional benefits payable to enrollees due to their participation in education, training, or work programs.

(10) "Job-ready" is the status of an enrollee who is assessed as ready to enter job search activities on the basis of the enrollee's skills, experience, or participation in job and education activities in accordance with section 8 of this act.

(11) "Job readiness training" means that training necessary to enable enrollees to participate in job search or job training classes. It may include any or all of the following: Budgeting and financial counseling, time management, self-esteem building, expectations of the workplace (including appropriate dress and behavior on the job), goal setting, transportation logistics, and other preemployment skills.

(12) "Maximum income levels" are those levels of income and cash benefits, both benchmark and incentive, which the state establishes as the maximum level of total gross cash income for persons to continue to receive cash benefits.

(13) "Medical benefits" or "medicaid" are categorically or medically needy medical benefits provided in accordance with Title XIX of the federal social security act. Eligibility and scope of medical benefits under this chapter shall incorporate any hereinafter enacted changes in the medicaid program under Title XIX of the federal social security act.

(14) "Noncash benefits" includes benefits such as child care and medicaid where the family receives a service in lieu of a cash payment related to the purposes of the family independence program.

(15) "Payment standard" is equal to the standard of need or a lesser amount if rateable reductions or grant maximums are established by the legislature. Standard of need shall be based on periodic studies of actual living costs and generally recognized inflation indices and shall include reasonable allowances for shelter, fuel, food, transportation, clothing, household maintenance, and necessary incidentals. The standard of need may take into account the economies of joint living arrangements, but there shall not be proration of any portion of assistance grants unless the amount of the payment standard is equal to the standard of need.

***(16) "Placement" means enrollees who have obtained full-time employment (thirty hours or more per week) or part-time employment (less than thirty hours per week), and who remain employed, as verified by a thirty-day followup contact.***

(17) "Subsidized employment" means employment for which the family independence program has provided the employer the financial resources, in whole or in part, to compensate an enrollee for the performance of work.

(18) "Unsubsidized employment" means employment for which the family independence program has not provided the employer the financial resources to compensate an enrollee for the performance of work.

\*Sec. 3 was partially vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 4. ELIGIBILITY FOR BENEFITS. (1) Upon implementation of the family independence program, all applicants for public assistance, except persons eligible for assistance under the general assistance—unemployable program, shall be enrolled in the family independence program and shall be eligible to receive financial and medical benefits under the following criteria:

(a) A person who is a "dependent child" as defined in 42 U.S.C. Sec. 606(a) or 42 U.S.C. Sec. 607(a), the caretaker relative(s) with whom the dependent child resides, or a pregnant woman as defined in 42 U.S.C. Sec. 606(b); and

(b) A person whose resources do not exceed those established by the United States department of health and human services at 45 C.F.R. Sec. 233.20(a)(3)(i)(B); and

(c) A person whose income does not exceed the benchmark standard plus appropriate incentive benefit payments established in accordance with this chapter. However, subject to subsection (2) of this section and section 18 of this act, the department may limit family independence program eligibility to exclude those new applicants whose monthly income would render them ineligible for aid to families with dependent children benefits under the payment level in effect at the time of the application. For the purposes of this subsection, a new applicant is a person who has not been a recipient of aid to families with dependent children or an enrollee for ninety days prior to application.

(2) Subject to the availability of funds for family independence program benefits, the department may expand eligibility to authorize family independence program benefits for additional categories of persons, but the department shall ensure that no person who would be eligible for benefits under the program requirements in place in this state as of January 1, 1988, pursuant to Titles IV-A and XIX of the federal social security act shall be denied financial or medical benefits under this chapter.

**NEW SECTION.** Sec. 5. FAMILY INDEPENDENCE PROGRAM—EXECUTIVE COMMITTEE—ADVISORY COMMITTEE—RECORDS—QUORUM—COMPENSATION AND TRAVEL EXPENSES. (1) The family independence program executive committee is hereby established.

(2) The executive committee shall consist of seven members as follows: The secretary of social and health services, the commissioner of the employment security department, the senior official from each of those agencies who is responsible for the family independence program, an official of the office of financial management, and two nonvoting individuals who have

received public assistance in the past but have subsequently achieved economic independence. The former recipient members of the executive committee shall be selected by the advisory committee. The former recipient representatives on the committee shall hold a term of two years. Terms may be renewed for one additional two-year term. The former recipient representatives shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The executive committee shall appoint and consult with an advisory committee of not less than ten or more than twenty members broadly representative of business, labor, education, community, enrollee, civic groups, and the public at large. The membership shall be geographically balanced with one-third of the membership composed of enrollees or community members in accordance with section 6 of this act. The advisory committee members shall serve terms of two years. In addition, the speaker of the house of representatives and the president of the senate shall appoint a member of each caucus of the legislature to the advisory committee.

The initial terms of the advisory committee members shall be staggered in a manner determined by the executive committee. In the event of a vacancy on the advisory committee due to death, resignation, or removal of one of the advisory committee members, and upon the expiration of the term of any member, the executive committee shall appoint a successor from a list supplied by the family opportunity councils for a term expiring on the second anniversary of the successor's date of the appointment, except that vacancies in a position appointed by a legislative officer shall be filled by that officer. Advisory committee members may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) If any one of the state offices on the executive committee is abolished, the resulting vacancy on the executive committee shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office.

(5) The secretary of social and health services shall serve as chairperson of the executive committee. The commissioner of the employment security department shall serve as vice-chairperson. The executive committee shall appoint a secretary who need not be a member of the executive committee.

(6) The secretary of the executive committee shall keep a record of the proceedings of the committee meetings.

(7) Three members of the executive committee constitute a quorum. The executive committee may act on the basis of motions. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the executive committee. A vacancy in the membership of the committee does not impair the power of the committee to act under this chapter. However, in the case of a vacancy in one of the offices

which constitutes the membership of the committee, the individual acting in the capacity of that officer shall also act as a member of the committee.

(8) The executive committee shall consult with the advisory committee on significant matters before taking action on such matters. Matters of significance include but are not limited to the nature and extent of contracts with private or nonprofit entities, decisions to modify incentive payments, and a right to review and comment upon the employment and child care plans and all reports submitted to the legislature, prior to their submission. The meetings of the executive committee are subject to chapter 42.30 RCW, the open public meetings act. The advisory committee shall study approaches to allow children in poverty to grow up healthy with self-confidence and the ability to break the cycle of dependence that can result from inadequate nutrition, housing, and other basic needs.

**NEW SECTION. Sec. 6. FAMILY OPPORTUNITY COUNCILS.**

(1) The executive committee shall establish a family opportunity advisory council in each of the department's regions to make recommendations on the social services, procedures, and income maintenance operations used in the family independence program. The councils shall also assist in providing mentors, mutual self-help, and information on alternatives to welfare dependency. The councils shall include: (a) Individuals currently receiving assistance; (b) individuals who have received public assistance in the past but have subsequently achieved economic independence; and (c) persons who are board members or employees of nonprofit organizations providing services of the types offered to family independence program recipients, including those with experience in developing self-esteem and individual motivation. A regional advisory council may establish panels representing specific geographic areas within the region.

(2) Each advisory council shall nominate three persons from which the executive committee shall elect one person from each region to be a member of the advisory committee authorized by section 5 of this act. Appointments shall be for a term of two years. Terms may be renewed for one additional two-year term. Three regional appointments shall initially be for a term of one year. The regional representatives shall constitute the consumer and enrollee representatives required by section 5 of this act.

(3) Recipients and former recipients may be paid a per diem rate established by the executive committee. Members may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 7. POWERS AND DUTIES.** (1) The executive committee shall direct the employment security department and the department of social and health services, or the appropriate successor agencies, subject to the provisions of this chapter and consistent with available funds, to do the following in order to accomplish the purposes of this chapter:



(a) To carry out and ensure the development of job readiness training, job development activities, subsidize employment in or through public, private, volunteer, and nonprofit agencies, and provide training funds for enrollees prior to and during employment;

(b) To carry out training and education activities as set forth in section 8 of this act;

(c) To allow enrollees, consistent with available appropriations, to receive the incentive benefit payments while attending higher education and vocational institutions;

(d) To fund other related family services, including, but not limited to, child care services for enrollees who participate in the education, training, and work programs authorized by the executive committee;

(e) To receive federal and state funds for the family independence program and to otherwise manage the program so as to operate within legislatively determined funding limitations. However, the executive committee has no authority to alter the benchmark standard established by the legislature;

(f) To determine the level and types of program benefits and incentive benefit payments in accordance with this chapter, together with specific administrative requirements to be met by program enrollees;

(g) To authorize other individuals served under aid to families with dependent children—regular and employable to voluntarily seek enrollee status;

(h) To establish rules for the treatment of earnings and unearned income by enrollees as set forth in section 18 of this act;

(i) To establish administrative sanctions consistent with the criteria set forth in section 15(3) of this act which may be applied to enrollees and the conditions under which program benefits may be reduced or terminated;

(j) To establish due process procedures as set forth in section 11 of this act;

(k) To establish the conditions under which child care and other related social services, including parent education and counseling, will be provided, subject to the following: Any child care provided under this chapter shall be in accordance with statutory child day care licensure requirements;

(l) To provide child care without cost to enrollees whose income is below the maximum authorized income level;

(m) To establish copayment requirements for noncash benefits as set forth in section 10 of this act;

(n) To establish the conditions and terms under which the department may enter into contracts with the public, private, and not-for-profit sectors to provide:

(i) Parenting education for parents;

(ii) Job readiness training;

(iii) Training of state agency employees to work with enrollees in developing plans for self-sufficiency, which include but are not limited to the employability, training, and education plans;

(iv) The development of mentoring programs to provide assistance to current recipients through the use of former recipients; and

(v) Facilitation of family opportunity councils in the geographical areas sited for implementation of the program;

(o) To establish the conditions and terms, and to enter into contracts, under which public, private, and not-for-profit sector jobs will be created and financed by the executive committee and the circumstances under which training for employees or potential employees of public, private, and for-profit employers will be subsidized through the family independence program;

(p) To establish the terms and provisions under which training and job development services may be extended to the absent parent(s) of the children of enrollees;

(q) To establish the frequency and method for redetermining eligibility;

(r) To undertake the acquisition of all such services authorized in this chapter on an exempt basis, as provided in RCW 43.19.1901, from the public bid requirements of RCW 43.19.190 through 43.19.200;

(s) To establish a proposed schedule by geographic area for implementation of the family independence program, which shall be submitted to the legislature by January 1, 1988. Until the family independence program is implemented in a particular geographic area, applicants in that area shall continue to be eligible for benefits under the aid to families with dependent children program and shall have a right to convert to the family independence program when it is available in that area;

(t) To determine methods of administration and do all other things necessary to carry out the purposes of this chapter.

(2) The executive committee with assistance from the appropriate agencies shall promulgate rules in accordance with chapter 34.04 RCW in order to accomplish the purposes of this chapter. Policy decisions of the executive committee that require rule-making shall not be final until the adoption of the necessary rules.

**NEW SECTION.** Sec. 8. ENROLLEE PARTICIPATION. (1) The executive committee may mandate the participation of enrollees in registration and assessment activities unless persons meet the exemption criteria set forth in subsection (2)(d) (ii) through (vi) of this section;

(2) The executive committee may mandate the participation of enrollees in education, training, or work activities, subject to the following:

(a) There shall be no mandatory participation of enrollees in education, training, or work activities during the first two years after implementation of this chapter;

(b) The executive committee shall collect and maintain records regarding the number of enrollees awaiting placement in job preparation activities; the number of enrollees who are participating in an education, job training, or other job preparation program; the number of enrollees who are job-ready as defined in this chapter; and the number of enrollees who have obtained placement as defined in this chapter. After the first two years, participation in training, education, or work activities may become mandatory in regions in which the family independence program has been implemented in accordance with this chapter, in which more than fifty percent of the job-ready enrollees obtained placements within three months of the time they became assessed as job-ready, and in which incentive benefit payment levels are set as initially required under section 15 of this act;

(c) If mandatory participation is suspended, it may be suspended by rule on a county or regional basis, but may be retained for a discrete group of enrollees;

(d) When participation in work and training requirements becomes mandatory, the following persons are exempt from the mandatory participation requirement:

(i) One parent with a child under three years of age in the home unless the family has been receiving public assistance for more than three years, in which case the caretaking parent must participate after the child is six months of age;

(ii) New enrollees who are on public assistance for the first time shall not be required to participate in employment, training, or work activities until they have been on public assistance for six months;

(iii) Persons under sixteen years of age or over sixty-four years of age;

(iv) Persons over sixteen years of age who are in high school;

(v) Persons who are incapacitated, temporarily ill, or are needed at home to care for an impaired person;

(vi) A person who is in the third trimester of pregnancy; and

(vii) A person who has not yet been individually notified in writing of the requirement to participate in registration, assessment, work, or training requirements or the expiration of his or her exempt status.

(3) The executive committee may suspend and reinstate, based upon periodic review, the mandatory requirement as affected by the availability of training and job resources.

**NEW SECTION. Sec. 9. TRAINING AND EDUCATION ACTIVITIES.** (1) The department of social and health services and the employment security department shall provide education and training opportunities to enrollees when appropriate, pursuant to the employability plan required in section 19 of this act, and shall emphasize efforts which prepare enrollees for long-term unsubsidized employment and economic independence. This shall include opportunities for: (a) Enrollees who seek to pursue basic remedial education, such as completion of general equivalency diploma, adult

basic education, and English proficiency training; (b) enrollees who seek vocational or skills training through on-the-job training or enrollment in a skills training or vocational training program, including those programs at a vocational training institute or community college; and (c) enrollees seeking higher education, including community college and four-year college degrees.

(2) The state agencies shall assure that those enrollees who seek to pursue work, training, and education activities, and those enrollees who are required in accordance with this chapter to so participate, receive a realistic assessment of work, training, and education opportunities and the opportunity to mutually participate in developing an individual self-sufficiency plan. The self-sufficiency plan shall take into account the local labor market and wage levels, as well as the individual's skills, work history, abilities, limitations, financial needs, desires, and interests, and shall specify the activities and services required for completion. The self-sufficiency plan is subject to approval by the state agencies. An enrollee may seek a modification of the self-sufficiency plan, or an administrative review if mutual agreement cannot be achieved.

(3) Within available funds, the department shall provide for payment of support services including child care and family independence program benefits at the benefit incentive level for education and training as set forth in section 15 of this act to support appropriate training and education programs of enrollees. When the department has approved the funding of such payments for individual's appropriate training or education plan, such funding shall continue, subject to an annual review, for the duration of the individual's participation in the approved training or education program. The executive committee shall establish by rule criteria for funding of appropriate training and education programs.

(4) When support services are unavailable through existing day-care resources, the department shall make efforts to gain services through private and public agencies.

**NEW SECTION.** Sec. 10. DUE PROCESS PROCEDURES. The executive committee shall direct the department of social and health services and the employment security department to adopt rules providing due process of law protections to applicants for and recipients of family independence program benefits. The requirements shall confer protections no less than those which the federal statutes and regulations confer on participants in the food stamp, aid to families with dependent children, and work incentive programs. The protections shall include, but are not limited to, the following:

(1) The departments shall provide adequate advance written notice to applicants or enrollees of any agency action to deny, award, reduce, terminate, increase, or suspend benefits or to change the manner or form of payment or of any agency action requiring the enrollee to take any action.

Adequate notice includes a statement of what action the agency intends to take, the reasons for the intended agency action, the specific rules supporting the action, an explanation of the individual's right to request an administrative fair hearing, how to request one, and the circumstances under which assistance is continued pending such a hearing if requested.

(2) Advance notice must be mailed to enrollees at least ten days prior to the date on which the proposed action would become effective.

(3) An applicant or enrollee aggrieved by an action or decision of the departments, including requiring or denying participation in a work, training, or education activity, has the right to request a fair hearing to be conducted by the office of administrative hearings in accordance with chapters 34.12 and 34.04 RCW. The aggrieved person is entitled to all fair hearing rights provided under RCW 74.08.070 and to the right of judicial review therefrom as provided in RCW 74.08.080.

(4) When an enrollee requests a hearing during the advance notice period, the departments shall not implement the challenged action until a written decision is rendered after a hearing. The advance notice period is the period prior to the effective date of the proposed action or ten days from the date of adequate written notice, whichever is later. Any assistance received pending a hearing or hearing decision may be considered to be an overpayment if the decision is against the enrollee.

(5) Financial, food stamp, and medical assistance shall be furnished to eligible individuals in a timely manner and shall be continued regularly to all eligible individuals until they are found to be ineligible. Applications should be disposed of as soon as possible in accordance with 7 C.F.R. Sec. 273.2 (g) and (i) and 45 C.F.R. Sec. 206.10 and no later than thirty days from the date of application unless good cause applies. Prior to denial or termination of family independence program cash or noncash benefits, each family's eligibility for financial assistance, medical assistance, and food stamp benefits shall be determined.

**NEW SECTION.** Sec. 11. NONCASH BENEFITS AND REQUIRED FINANCIAL PARTICIPATION. (1) When an enrollee ceases to receive family independence program cash benefits as a result of increased earnings, the enrollee shall be eligible to receive family independence program noncash child care and medical benefits for a period of one year following the cessation of family independence program cash eligibility.

(2) The executive committee may authorize the department to require financial participation based on income of the enrollee in the cost of the family independence program noncash benefits, but such financial participation requirement shall not exceed twenty-five percent of the cost of the noncash benefit or twenty-five percent of the amount by which the family's income exceeds the maximum income level, whichever is less.

(3) No person may be required to participate in the cost of medical benefits if the person would have been eligible for medicaid benefits at no additional cost under the medically needy income levels or the program requirements in effect as of January 1, 1988.

**NEW SECTION. Sec. 12. LIMITATIONS ON SUBSIDIZED AND UNSUBSIDIZED EMPLOYMENT POSITIONS.** (1) Enrollees referred to subsidized and unsubsidized employment positions established pursuant to this chapter shall not be considered employees of the executive committee or the state solely because of their status as enrollees in the family independence program. Enrollees in subsidized and unsubsidized employment positions established pursuant to this chapter shall be considered employees of the agency or employer sponsoring their employment. Enrollees in such subsidized and unsubsidized positions shall receive and enjoy the following protections and benefits of the sponsoring employer including, but not limited to, worker's compensation, old age and survivors health insurance, protections of a collective bargaining agreement, sick leave, retirement, medical benefits, vacation leave, and hours of work, provided that these protections and benefits shall not be created by this subsection if such protections and benefits do not already exist. Enrollees in such subsidized and unsubsidized positions shall also be covered for purpose of unemployment compensation, notwithstanding RCW 50.44.040(5) to the contrary.

(2) Subsidized and unsubsidized positions under this chapter to which enrollees are referred shall not be created as a result of, nor result in, any of the following:

(a) Displacement of currently employed workers or authorized positions, for the purpose of employing enrollees, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits;

(b) The filling of subsidized and unsubsidized positions that would otherwise be a promotional opportunity;

(c) The filling of a subsidized or unsubsidized position before compliance with applicable personnel procedures and collective bargaining agreements, including in the instance of subsidized jobs the written concurrence from any affected union representative organization;

(d) The filling of a subsidized or unsubsidized position created by a reduction in work force or change of employers;

(e) A strike, lockout, or other bona fide labor dispute, or a violation of any existing collective bargaining agreement between employees and employers;

(f) Decertification of any bargaining unit;

(g) Creation of a new classification that has the intent or effect of subverting the intent of this section.

(3) Enrollees in subsidized and unsubsidized employment shall not continue participation at a place of employment that is involved in a strike, lockout, or other bona fide labor dispute.

(4) The employment security department shall establish a dispute-resolution process for resolving disagreements arising from this section or other employment-related sections of this chapter.

**NEW SECTION.** Sec. 13. COMPENSATION FOR ENROLLEES. The executive committee shall direct that no enrollee shall be referred to subsidized or unsubsidized employment in which the enrollee would be paid at a rate less than the highest of the following:

(1) The minimum wage set out in section 6 (a)(1) of the fair labor standards act of 1938, as amended, or as established by state law;

(2) The prevailing rate of pay for persons employed in similar occupations by the same employer;

(3) The minimum entrance rate for inexperienced workers in the same occupation with the employer or, if the occupation is new to the employer, the prevailing entrance rate for the occupation among other employers in the area or community, or the applicable minimum rate required by an applicable bargaining agreement; or

(4) The prevailing rate established in accordance with the Davis-Bacon act, as amended, or the service contract act, as amended, for enrollees working in occupations covered by the applicable acts.

**NEW SECTION.** Sec. 14. REPORTS AND EVALUATION. (1) By January 1, 1988, the executive committee shall submit to the legislature:

(a) A child-care plan, which may include creative solutions to assist enrollees in making child-care arrangements;

(b) In consultation with the superintendent of public instruction, a plan for assisting high school students who are parents or pregnant to remain in school or complete their high school education;

(c) A plan for motivating those who are discouraged to seek self-sufficiency through work, education, or training;

(d) An employment plan for enrollees; and

(e) A plan for phased-in implementation of the family independence program.

(2) By January 1, 1988, the legislative budget committee, after consultation with the executive committee, shall submit to the legislature:

(a) An evaluation plan satisfactory to the federal government, including a plan for analysis, within available funds, of:

(i) The costs and effectiveness of the family independence program;

(ii) The extent to which education and training opportunities have led to employment and economic independence;

(iii) The extent to which support services have been provided for such education and training opportunities;

(iv) The impact of support services, training opportunities, and employment on the well-being of the children and families of enrollees;

(v) The impact of the family independence program on the labor market opportunities available to nonenrollees;

(vi) The impact of the family independence program on the early childhood education assistance program;

(vii) A comparison of the family independence program enrollees with a sample of aid to families with dependent children recipients entering assistance between July 1, 1987, through June 30, 1988, to determine the characteristics of the caseloads of the family independence program and the aid to families with dependent children program, including demographic characteristics, employment, training, and educational histories, spells on assistance, and reasons for entry onto and exit from assistance;

(viii) Such administrative and operational factors as may be requested by the executive committee;

(ix) A longitudinal study over time of a sample of public assistance recipients or persons at risk of becoming eligible for assistance, to determine the causes of public dependency and the impact of changes in the economy or of public programs on dependency, work, or other relevant behaviors of the sample population.

(3) The legislative budget committee shall cause the evaluation plan to be implemented subject to legislative approval in a manner that will insure the independence of the evaluation through appropriate arrangements, which may include contracts, with objective evaluators. The evaluation plan and all evaluation products shall receive the review and comment of evaluation advisory groups to be convened by the Washington institute of public policy and which include representatives of the executive committee, appropriate legislative committee staffs, persons from the state's higher education institutions, staff members of the department and the employment security department, recipients, and former recipients. The reviews shall consider relevance to state policy and budget concerns, methodological procedure, implementation, and results.

(4) The first report of this evaluation shall be submitted to the legislature no later than November 16, 1988, and annually thereafter, with a final report due no later than November 15, 1993.

**NEW SECTION.** Sec. 15. **BENCHMARK STANDARD AND INCENTIVE BENEFIT PAYMENTS.** (1) The legislature shall determine the benchmark standard for enrollees. The legislature may adjust the benchmark standard periodically. However, the department shall promptly pass on to enrollees any increases in federal food stamp program benefits. The executive committee shall designate what portion of the benchmark standard constitutes a cash payment for food stamp benefits and shall ensure that this designation information is regularly provided to recipients. The portion of the benchmark standard and incentive benefit levels that is



designated as the cash payment for food stamp benefits shall be excluded as income to the full extent that food stamps are so excluded by current and subsequently enacted state and federal law.

(2) Enrollees shall receive cash assistance which, when added to other income, provides total income not less than the benchmark standard set by the legislature. Enrollees participating in work, education, or training programs shall receive incentive benefit payments which, when added to other income, provides gross income not less than the levels which shall be initially set as follows:

(a) One hundred five percent of the benchmark standard for enrollees participating in training or education programs;

(b) One hundred five percent of the benchmark standard for teenage parents if they stay in school and progress toward graduation and successfully participate in parenting education approved by the office of the superintendent of public instruction or the department;

(c) One hundred fifteen percent of the benchmark standard for enrollees working half time, but the department may authorize a higher incentive benefit payment level for enrollees working part time; and

(d) One hundred thirty-five percent of the benchmark standard for enrollees working full time.

(3) Family independence program cash benefits shall not be available to meet the needs of enrollees for whom participation in the work and training components of the family independence program is mandatory and who refuse without good cause to participate in such programs. However, medical benefits for such sanctioned individuals and payments on behalf of the other members of the family shall be provided. In such cases, payments to the remaining family members may be in the form of protective payee payments unless, after reasonable efforts, the state is unable to locate an appropriate protective payee, in which case the sanctioned individual can be the payee for the remaining family members. A participant under such sanction is eligible for the full benchmark plus appropriate incentive benefit level once he or she participates.

(4) The department, at the direction of the executive committee, may increase or decrease the incentive benefit payment levels based on the availability of funds.

**NEW SECTION.** Sec. 16. **CURRENT PROGRAM BENEFITS ASSURED.** No applicant for or recipient of family independence program benefits shall receive less financial assistance in family independence program benefits than the sum of the aid for families with dependent children cash benefits and the cash equivalent of food stamp benefits the applicant would have received under the program requirements of the federal law and under the benefit levels in place as of January 1, 1988, as adjusted to reflect all increases in the federal food stamp allotments and deductions and in the

Washington state payment standard for aid to families with dependent children. Funds provided to the state under Title IV-A of the federal social security act and under the federal food stamp program shall be used first to make payments at one hundred percent of the benchmark level to all enrollees of the family independence program in accordance with the state plan, as well as to all recipients of aid to families with dependent children. Any remaining funds provided by the federal government may be used at the state's discretion for incentive payments and services to either enrollees or recipients of aid to families with dependent children in accordance with the purposes of this chapter.

**NEW SECTION.** Sec. 17. NONASSISTANCE FOOD STAMPS. The department shall continue to operate a federal food stamp program for persons who are not receiving family independence program benefits, including applicants awaiting determinations of eligibility for the family independence program.

No group of persons constituting a food stamp household under current food stamp law may receive less in any combination of food stamps and the portion of family independence program benefits designated as the food stamp cash equivalent pursuant to section 13 of this act than the amount for which they would have been eligible in food stamps if the family independence program did not include a cash-out of food stamp benefits.

**NEW SECTION.** Sec. 18. DETERMINING FINANCIAL NEED AND TREATMENT OF INCOME. The department shall establish rules for the determination of financial need and the treatment of income of enrollees consistent with this section.

(1) Income and resources shall be reasonably evaluated and cannot be considered available to an applicant or recipient unless actually available.

(2) The following shall be excluded as income in family independence program eligibility and need determinations: The value of medical benefits, child care, higher education benefits, earned income tax credit, income tax refunds, any housing subsidy, energy assistance, the earnings of a child, retroactive family independence program benefits, the child support exempted by 42 U.S.C. Sec. 657(b) or 42 U.S.C. Sec. 602(a)(8)(vi), and any benefit or moneys that any provision of federal law in effect on January 1, 1988, excludes from being considered income for eligibility for aid to families with dependent children or food stamps or other exclusions which Congress may hereafter enact.

(3) The executive committee may direct the department to establish methods for evaluating what portion of income is considered gross income for persons whose income is earned over a longer period of time than the period in which it is received and for measuring the gross income of self-employed persons.

**NEW SECTION.** Sec. 19. ENROLLEE PARTICIPATION. (1) All enrollees shall register for assessment to evaluate the appropriateness of work, education, or training options for that individual.

(2) For those enrollees who seek to pursue work, training, and education activities, and for those enrollees who are required in accordance with this chapter to so participate, the state agencies and the enrollee shall jointly develop an employability plan which sets forth the participation activity or sequence of activities and the available supportive services. In some instances, the plan may require additional assessment. The plan is subject to the approval of the state agencies. An enrollee may seek a modification of the employability plan, or an administrative review if mutual agreement cannot be achieved.

(3) Appropriate child care and other social services shall be available to enable an enrollee to participate in work, training, or education activities.

(4) Prior to the determination that a mandatory enrollee has refused to cooperate, efforts must be made at conciliation of the dispute consistent with 45 C.F.R. Sec. 224.63.

(5) The agencies shall adopt rules setting forth criteria that provide good cause for an enrollee's refusal to participate in or accept a specific assignment of proposed work, education, or training activities. The criteria shall include, but need not be limited to, the following:

(a) No suitable child care is available without cost to the enrollee;

(b) The assignment is not within the scope of the enrollee's employability plan;

(c) The assignment would have an adverse effect on the physical or mental health of the enrollee;

(d) The distance of the assignment from the enrollee's home makes participation impracticable;

(e) The assignment would result in a loss of income to the enrollee's family;

(f) Exigent personal or family circumstances would interfere with successful participation in the assignment;

(g) The assignment involves conditions which are in violation of applicable health and safety regulations;

(h) The assignment would interrupt a program in process at the undergraduate or vocational level which is reasonably expected to result in economic self-sufficiency; or

(i) The best interests of a child or children in the family would be served by the parent providing full or part-time care in the home due to the particular personal or family circumstances of the enrollee's family.

**\*NEW SECTION.** Sec. 20. IMPLEMENTATION OF PROGRAM. (1) The family independence program shall not be implemented before February 28, 1988, and shall not be implemented until specifically authorized by the legislature. However, upon the effective date of this section, the

executive committee shall be appointed and shall carry out those functions necessary to plan for the implementation of the family independence program, including securing federal approval.

(2) The governor shall report to the legislature at least once each quarter of 1987 on the progress of the executive committee's efforts to secure federal approval of the family independence program.

(3)(a) The governor shall seek congressional action on any federal legislation necessary to implement this chapter. The governor shall seek legislation that provides that any program under this chapter shall be a demonstration project which remains within the federal aid to families with dependent children system under Title IV of the federal social security act.

(b) Any agreements with the federal government necessary to implement the family independence program shall provide that any program under this chapter shall be a demonstration project which remains within the federal aid to families with dependent children system under Title IV of the federal social security act. Such agreements shall provide for waivers from the federal aid to families with dependent children system only to the extent necessary to implement this chapter.

(4) If all proposed agreements between the state and federal governments which are necessary to implement the family independence program have been completed before February 1, 1988, a plan outlining such proposed agreements shall be submitted to the legislature no later than February 7, 1988. If all agreements between the state and federal governments necessary to implement the family independence program have not been completed by February 1, 1988, an implementation plan with the proposed agreements shall be submitted to the senate committee on human services and corrections, the house of representatives committee on human services, and the senate and house of representatives committees on ways and means for consideration. Copies of all such proposed agreements and any proposed changes to state statute shall be submitted to the legislature with the plan. The family independence program shall be implemented only after the legislature has approved the implementation plan and authorized the signing and completion of all federal-state agreements.

(5) Any agreements with the federal government pursuant to this chapter shall provide that such agreements may be canceled by the state or federal government upon six months' notice or immediately upon mutual agreement. If the agreements are canceled, those enrollees in the family independence program who are eligible for the aid to families with dependent children, medicaid, and the food stamp programs shall be converted to those programs.

(6) Subject to the approval of the executive committee, the department of social and health services and the employment security department shall

enter into an interagency agreement for carrying out appropriate administrative functions and purposes as required with respect to the family independence program to be undertaken in this state.

**(7) The family independence program shall be implemented only in counties of the state in which the average unemployment rate is less than twice the state-wide average. The executive committee may phase-in the program on a regional or county-by-county basis. The executive committee shall phase-in implementation in accordance with the plan outlined in section 7(1)(s) of this act after the legislature has approved the plan.**

**(8) In at least one region, the executive committee shall use a mandatory monthly reporting system in its implementation of the family independence program. After an appropriate period, the executive committee shall evaluate the cost-effectiveness and the effects on recipients and caseloads of the reporting. The executive committee may discontinue the mandatory monthly reporting system if it determines it not to be cost-effective.**

\*Sec. 20 was partially vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 21. REFERENCE TO OTHER LAWS. Unless the language specifically states to the contrary, any reference in this chapter to a provision or requirement of federal law or regulations refers to that provision as of January 1, 1988.

**NEW SECTION.** Sec. 22. CAPTIONS. Section captions as used in this chapter do not constitute any part of the law.

Sec. 23. Section 1, chapter 104, Laws of 1967 ex. sess. as amended by section 102, chapter 3, Laws of 1983 and RCW 43.19.1901 are each amended to read as follows:

The term "purchase" as used in RCW 43.19.190 through 43.19.200, and as they may hereafter be amended, shall include leasing or renting: PROVIDED, That the purchasing, leasing or renting of electronic data processing equipment shall not be included in the term "purchasing" if and when such transactions are otherwise expressly provided for by law.

The acquisition of job services and all other services for the family independence program under chapter 74.— RCW (sections 1 through 22 of this 1987 act) shall not be included in the term "purchasing" under this chapter.

**NEW SECTION.** Sec. 24. Sections 1 through 22 of this act shall constitute a new chapter in Title 74 RCW.

**NEW SECTION.** Sec. 25. Sections 1 through 22 of this act shall expire on June 30, 1989, unless extended by law.

**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.

Passed the House April 24, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 3(6), 3(16), 20(7) and 20(8), Engrossed Second Substitute House Bill No. 448, entitled:

"AN ACT Relating to the family independence program."

This bill is the beginning of a new opportunity for the needy of our state to achieve independence, to free themselves from reliance on government assistance and to achieve a better standard of living. I appreciate the efforts of those in the Legislature who have worked with me to make this opportunity possible, and I want to thank them for their support. The final version of the bill, however, contains some flaws, and I find it necessary to veto several items to ensure a smooth start for the program. These problems are surprisingly few for a measure of this scope.

Section 3(6) contains a definition of "Family Opportunity Councils" that conflicts with the description of these councils found elsewhere in the bill. The description in section 6 provides clearer direction to the councils and should stand alone.

Section 3(16) adopts a definition of placement which describes full-time employment as "thirty hours or more per week." Using this definition could have a significant fiscal impact by increasing the number of enrollees who would receive the maximum benefit level. In order to make sure that the program can be accomplished with existing resources, this definition should be deleted.

Section 20(7) would prevent the implementation of the Family Independence Program in any county in which the average unemployment rate is more than twice the state-wide average. This means that we would not be able to offer critically needed services to enrollees in economically distressed counties, even though it is these counties that could benefit the most from the creation of jobs through the job subsidy mechanism.

Section 20(8) would require the implementation of mandatory monthly reporting in at least one region. Data on both the state and national level has shown that mandatory monthly reporting is not cost effective. This provision would lead to increased administrative costs and complexity without compensating savings.

With the exception of sections 3(6), 3(16), 20(7) and 20(8), Engrossed Second Substitute House Bill No. 448 is approved."

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## CHAPTER 435

[Substitute House Bill No. 420]

### CHILD SUPPORT OBLIGATIONS—CENTRAL REGISTRY

AN ACT Relating to domestic relations; 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.

Be it enacted by the Legislature of the State of Washington:

**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) The report 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 report 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 the report 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, 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, 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 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:

((~~(1)~~)) 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  
vs.

No. ....

.....

Obligor

WAGE ASSIGNMENT  
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 ....

..... Judge/Court Commissioner  
Obligee, or obligee's attorney

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:

~~((1))~~ 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:

((+)) 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 non-assistance 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 51.32.080)) made pursuant to Title 51 RCW shall ((not)) be classified as ((<sup>n</sup>))earnings((<sup>n</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. 35. 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.

Passed the House April 22, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 436

[Substitute House Bill No. 523]

### POLLUTION CONTROL FACILITIES—FINANCING—SERVICE PROVIDER AGREEMENTS

AN ACT Relating to the financing of pollution control facilities, systems, and activities; amending RCW 43.88.160, 43.99F.020, 43.99F.040, 43.99F.050, 70.146.020, 70.146.030, and 70.146.060; adding a new section to chapter 35.22 RCW; adding a new section to chapter 36-.32 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 11, chapter 10, Laws of 1982 as amended by section 5, chapter 215, Laws of 1986 and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and

may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

The director of financial management is responsible for quarterly reporting of primary budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: **PROVIDED**, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature

as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(f) Promulgate regulations to effectuate provisions contained in subsections (a) through (e) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general

administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. 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.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in subsection (3)(c) of this section.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 as now or hereafter amended.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.



(e) Promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28-.085 as now or hereafter amended. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

Sec. 2. Section 2, chapter 159, Laws of 1980 and RCW 43.99F.020 are each amended to read as follows:

For the purpose of providing funds to public bodies for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities, or for purposes of assisting a public body to obtain an ownership interest in waste disposal and management facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150-.060, in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1990, general obligation bonds of the state of Washington in the sum of four hundred fifty million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for: (1) the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise; or (2) the construction of municipal wastewater facilities unless said facilities have been approved by a general purpose unit of local government in accordance with chapter 36.94 RCW, chapter 35.67 RCW, or RCW 56.08-.020. These bonds shall be paid and discharged within thirty years of the date of issuance. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

Sec. 3. Section 4, chapter 159, Laws of 1980 and RCW 43.99F.040 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account, Waste Disposal Facilities, 1980 of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which the bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as cost-sharing funds in any case where federal, local, or other funds are made available on a cost-sharing basis for improvements within the purposes of this chapter. The department shall ensure that funds derived from the sale of bonds authorized under this chapter do not constitute more than seventy-five percent of the total cost of any waste disposal or management facility. Not more than two percent of the proceeds of the bond issue may be used by the department of ecology in relation to the administration of the expenditures, grants, and loans.

At least one hundred fifty million dollars of the proceeds of the bonds authorized by this chapter shall be used exclusively for waste management systems capable of producing renewable energy or energy savings as a result of the management of the wastes. "Renewable energy" means, but is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, or fuel through the use of wastes by incineration, refuse-derived fuel processes, pyrolysis, hydrolysis, or bioconversion, and energy savings through material recovery from waste source separation and/or recycling.

The department of ecology shall present a progress report of actual projects committed by the department to the senate committee on ways and means and the house of representatives committee on appropriations no later than November 30th of each year.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the department may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems.

Funds provided for waste disposal and management facilities under this chapter may be used for payments to a service provider under a service agreement pursuant to RCW 70.150.060. If funds are to be used for such payments, the department may make periodic disbursements to a public body or may make a single lump sum disbursement. Disbursements of funds with respect to a facility owned or operated by a service provider shall be equivalent in value to disbursements that would otherwise be made if that

facility were owned or operated by a public body. Payments under this chapter for waste disposal and management facilities made to public bodies entering into service agreements pursuant to RCW 70.150.060 shall not exceed amounts paid to public bodies not entering into service agreements.

Sec. 4. Section 5, chapter 159, Laws of 1980 and RCW 43.99F.050 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Waste disposal and management facilities" means any facilities or systems (~~owned or operated by a public body~~) for the control, collection, storage, treatment, disposal, recycling, or recovery of nonradioactive liquid wastes or nonradioactive solid wastes, or a combination thereof, including but not limited to, sanitary sewage, storm water, residential, industrial, commercial, and agricultural wastes, and concentrations of organic sediments waste, inorganic nutrients, and toxic materials which are causing environmental degradation and loss of the beneficial use of the environment, and material segregated into recyclables and nonrecyclables. Waste disposal and management facilities may include all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to such purpose. As used in this chapter, the phrase "waste disposal and management facilities" shall not include the acquisition of equipment used to collect residential or commercial garbage.

(2) "Public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government.

(3) "Control" means those measures necessary to maintain and/or restore the beneficial uses of polluted land and water resources including, but not limited to, the diversion, sedimentation, flocculation, dredge and disposal, or containment or treatment of nutrients, organic waste, and toxic material to restore the beneficial use of the state's land and water resources and prevent the continued pollution of these resources.

(4) "Planning" means the development of comprehensive plans for the purpose of identifying state-wide or regional needs for specific waste disposal facilities as well as the development of plans specific to a particular project.

(5) "Department" means the department of ecology.

Sec. 5. Section 2, chapter 3, Laws of 1986 and RCW 70.146.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Account" means the water quality account in the state treasury.

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

(3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.

(4) "Water pollution control facility" or "facilities" means any facilities or systems (~~owned or operated by a public body~~) for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means.

(6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b).

Sec. 6. Section 3, chapter 3, Laws of 1986 and RCW 70.146.030 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature. All earnings from investment of balances in the water quality account, except as provided in RCW 43-84.090, shall be credited to the water quality account.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report on the use of moneys from the account to the legislature no later than November 30th of each year.

Sec. 7. Section 9, chapter 3, Laws of 1986 and RCW 70.146.060 are each amended to read as follows:

During the period from July 1, 1987, until June 30, 1995, the following limitations shall apply to the department's total distribution of funds appropriated from the water quality account:

(1) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(2) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie Aquifer;

(3) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(4) Not more than ten percent for activities which control nonpoint source water pollution;

(5) Ten percent and such sums as may be remaining from the categories specified in subsections (1) through (4) of this section for water pollution control activities or facilities as determined by the department; and

(6) Not more than two and one-half percent of the total amounts of moneys under subsections (1) through (5) of this section from February 21, 1986, until December 31, 1995, may be transferred by the department to the state conservation commission for the purposes of this chapter.

The distribution under this section shall not be required to be met in any single fiscal year.

Funds provided for facilities and activities under this chapter may be used for payments to a service provider under a service agreement pursuant to RCW 70.150.060. If funds are to be used for such payments, the department may make periodic disbursements to a public body or may make a single lump sum disbursement. Disbursements of funds with respect to a facility owned or operated by a service provider shall be equivalent in value to disbursements that would otherwise be made if that facility were owned or operated by a public body. Payments under this chapter for waste disposal and management facilities made to public bodies entering into service agreements pursuant to RCW 70.150.060 shall not exceed amounts paid to public bodies not entering into service agreements.

NEW SECTION. Sec. 8. A new section is added to chapter 35.22 RCW to read as follows:

RCW 35.22.620 does not apply to agreements entered into under authority of chapter 70.150 RCW if there is compliance with the procurement procedure under RCW 70.150.040.

NEW SECTION. Sec. 9. A new section is added to chapter 36.32 RCW to read as follows:

RCW 36.32.240, 36.32.250, and 36.32.260 do not apply to agreements entered into under the authority of chapter 70.150 RCW if there is compliance with the procurement procedure under RCW 70.150.040.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 22, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 437

[Substitute House Bill No. 857]

## FUTURE TEACHERS CONDITIONAL SCHOLARSHIP PROGRAM

AN ACT Relating to assistance for future teachers; adding a new chapter to Title 28B RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature finds that encouraging outstanding students to enter the teaching profession is of paramount importance to the state of Washington. By creating the future teachers conditional scholarship program, the legislature intends to assist in the effort to recruit as future teachers students who have distinguished themselves through outstanding academic achievement and students who can act as role models for children including those from targeted ethnic minorities. The legislature urges business, industry, and philanthropic community organizations to join with state government in making this program successful.

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

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who is registered for at least ten credit hours or the equivalent, demonstrates achievement of at least a 3.30 grade point average for students entering an institution of higher education directly from high school or maintains at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, is a resident student as defined by RCW 28B.15.012 through 28B.15.015, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification.

(5) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render service as a teacher at a public school in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

(9) "Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high dropout rates or low rates of college participation by members of the group.

NEW SECTION. Sec. 3. The future teachers conditional scholarship program is established. The program shall be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive conditional scholarships, with the assistance of a screening committee composed of teachers and leaders in government, business, and education;

(2) Adopt necessary rules and guidelines;

(3) Publicize the program;

(4) Collect and manage repayments from students who do not meet their teaching obligations under this chapter; and

(5) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. Sec. 4. The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional scholarships. These criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, and an ability to act as a role model for targeted ethnic minority students. These criteria also may include, for approximately half of the recipients, requirements that those recipients meet the definition of "needy student" under RCW 28B.10.802.

NEW SECTION. Sec. 5. The board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years.

NEW SECTION. Sec. 6. (1) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless they teach for ten years in the public schools of the state of Washington, under rules adopted by the board.



(2) The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(3) The period for repayment shall be ten years, with payments accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in a public school until the entire repayment obligation is satisfied or the borrower ceases to teach at a public school in this state. Should the participant cease to teach at a public school in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the higher education coordinating board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

NEW SECTION. Sec. 7. After consulting with the higher education coordinating board, the governor may transfer the administration of this program to another agency with an appropriate educational mission.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 9. No conditional scholarships shall be granted after June 30, 1994, until the program is reviewed by the legislative budget committee and is reenacted by the legislature.

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.

Passed the House April 22, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 438

[Engrossed Substitute House Bill No. 648]

### NOXIOUS WEED CONTROL

AN ACT Relating to noxious weed control; amending RCW 17.10.010, 17.10.030, 17.10.040, 17.10.050, 17.10.060, 17.10.070, 17.10.080, 17.10.090, 17.10.100, 17.10.110, 17.10.120, 17.10.130, 17.10.150, 17.10.160, 17.10.170, 17.10.180, 17.10.190, 17.10.200, 17.10.210, 17.10.230, 17.10.235, 17.10.240, 17.10.250, 17.10.260, 17.10.270, 17.10.280, 17.10.290, 17.10.900, and 43.51.407; adding new sections to chapter 17.10 RCW; repealing RCW 17.08.010, 17.08.020, 17.08.050, 17.08.060, 17.08.070, 17.08.080, 17.08.090, 17.08.100, 17.08.110, 17.08.120, 17.08.130, 17.08.140, 17.08.150, and 17.10.220; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 113, Laws of 1969 ex. sess. as amended by section 1, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.010 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Noxious weed" means any plant (~~(growing in a county which is determined by the state noxious weed control board to be injurious to crops, livestock, or other property and which is included for purpose of control on such county's noxious weed list))~~ which when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.

(2) "State noxious weed list" means a list of noxious weeds adopted by the state noxious weed control board which list is divided into three classes:

(a) Class A shall consist of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state;

(b) Class B shall consist of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region;

(c) Class C shall consist of any other noxious weeds.

(3) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

~~((3))~~ (4) "Owner" means the person in actual control of property, or his agent, whether such control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or

equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of such easement shall be deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of such easement.

~~((4))~~ (5) As pertains to the duty of an owner, the words "control", "contain", "eradicate", and the term "prevent the spread of noxious weeds" shall mean conforming to the standards of noxious weed control or prevention adopted by rule or regulation by the state noxious weed control board and an activated county noxious weed control board.

~~((5))~~ (6) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land.

~~((6))~~ (7) "Agricultural purposes" are those which are intended to provide for the growth and harvest of food and fiber.

(8) "Director" means the director of the department of agriculture or the director's appointed representative.

(9) "Weed district" means a weed district as defined in chapters 17.04 and 17.06 RCW.

Sec. 2. Section 3, chapter 113, Laws of 1969 ex. sess. as amended by section 23, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 17.10.030 are each amended to read as follows:

There is hereby created a state noxious weed control board which shall be comprised of ~~((six))~~ nine voting members~~((three to))~~. Four of the members shall be elected by the members of the various activated county noxious weed control boards~~((Three of the members of such board))~~, shall be residents of a county in which a county noxious weed control board has been activated and a member of said board, ~~((and be engaged in primary agricultural production at the time of their election))~~ and ~~((such))~~ those qualifications shall continue through their term of office. ~~((One))~~ Two such ~~((primary agricultural producer))~~ members shall be elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state. The director of agriculture ~~((shall be a member of the board, and the director of the agricultural extension service))~~ shall be a ~~((nonvoting))~~ member of the board. ~~((The elected members of the board shall appoint one member of the board who may be an expert in the field of weed control.))~~ One member shall be elected by the directors of the various active weed districts formed under chapter 17.04 or 17.06 RCW. The Washington state association of counties shall appoint one voting member who shall be a member of a county legislative authority. The director shall appoint three nonvoting members representing scientific disciplines relating to weed control. The director shall also appoint two voting members to represent the public interest, one from the west side and one from the east side of the state. The term of office for all ~~((elected members~~

~~and the appointed)) members of the board shall be three years from ((their)) the date of election or appointment.~~

~~((The director of agriculture shall provide for an election of the first members of the state noxious weed control board. Such election shall not take place sooner than six months nor later than twelve months after one county noxious weed control board has been activated on the west side of the Cascade mountains and two such county noxious weed boards have been activated on the east side of the Cascade mountains. The first board members elected to the state noxious weed control board shall serve staggered terms as follows:~~

~~(1) The board member representing the west side of the state on the activated county noxious weed control board as primary agricultural producer, shall be appointed for a term of one year and shall be designated "Position No. 1".~~

~~(2) The two board members representing the east side of the state shall be appointed to terms of two and three years and shall be designated respectively as positions "No. 2" and "No. 3".~~

~~(3) The member of the board subsequently appointed by the elected members shall be appointed for a three year term and shall be designated "Position No. 4".~~

~~(4) The director of agriculture and the director of agricultural extension service shall serve so long as they are vested with their respective titular positions, and their positions shall be "No. 5" and "No. 6" respectively.))~~  
The board, by rule, shall establish a position number for each elected position of the board and shall designate which county noxious weed control board members are eligible to vote for each elected position. The elected members shall serve staggered terms.

Elections for the elected members of the board shall be held thirty days prior to the expiration date of their respective terms.

Nominations and elections shall be by mail and conducted by the ~~((director of agriculture))~~ board.

The board shall conduct its first meeting within thirty days after all its members have been elected. The board shall elect from its members a chairman and such other officers as may be necessary. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The members of the board shall serve without salary, but shall be reimbursed for travel expenses incurred in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 3. Section 4, chapter 113, Laws of 1969 ex. sess. as amended by section 2, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.040 are each amended to read as follows:

An inactive county noxious weed control board may be activated by any one of the following methods:

(1) Either within sixty days after a petition is filed by one hundred ~~((landowners each owning one acre or more of land))~~ registered voters within the county or, on its own motion, the county legislative authority shall hold a hearing to determine whether there is a need, due to a damaging infestation of noxious weeds, to activate the county noxious weed control board. If such a need is found to exist, then the county legislative authority shall, in the manner provided by RCW 17.10.050, appoint five persons to hold seats on the county's noxious weed control board.

(2) If the county's noxious weed control board is not activated within one year following a hearing by the county legislative authority to determine the need for activation, then upon the filing with the state noxious weed control board of a petition comprised either of the signatures of at least two hundred ~~((owners, each owning one acre of land or more))~~ registered voters within the county, or of the signatures of a majority of an adjacent county's noxious weed control board, the state board shall, within six months of the date of such filing, hold a hearing in the county to determine the need for activation. If a need for activation is found to exist, then the state board shall order the county legislative authority to activate the county's noxious weed control board and to appoint members to such board in the manner provided by RCW 17.10.050.

(3) The director, with notice to the state noxious weed control board, may order a county legislative authority to activate the noxious weed control board immediately if an infestation of a class A noxious weed or class B noxious weed designated for control within the region wherein the county lies as defined in RCW 17.10.080 is confirmed in that county. The county legislative authority may, as an alternative to activating the noxious weed board, combat the class A noxious weed or class B noxious weed with county resources and personnel operating with the authorities and responsibilities imposed by this chapter on a county noxious weed control board. No county may continue without a noxious weed control board for a second consecutive year if the class A noxious weed or class B noxious weed designated for control within the region wherein the county lies has not been eradicated.

Sec. 4. Section 5, chapter 113, Laws of 1969 ex. sess. as last amended by section 1, chapter 95, Laws of 1980 and RCW 17.10.050 are each amended to read as follows:

(1) Each activated county noxious weed control board shall consist of five voting members who shall ~~((, at the board's inception,))~~ be appointed by the county legislative authority ~~((and elected thereafter by the property owners subject to the board))~~. In appointing such voting members, the county legislative authority shall divide the county into five sections, none of which shall overlap and each of which shall be of the same approximate

area, and shall appoint a voting member from each section. At least four of ~~((such))~~ the voting members shall be engaged in the primary production of agricultural products. There shall be one nonvoting member on such board who shall be the chief county extension agent or an extension agent appointed by the chief county extension agent. Each voting member of the board shall serve a term of ~~((two))~~ four years, except that ~~((+))~~ the county legislative authority shall, when a board is first activated under this chapter, designate two voting members to serve terms of ~~((one))~~ two years~~((; (2) the terms of incumbent board members may be shortened or extended by the board if the board, in order to provide for a more convenient election date, makes a substantial change in the date for elections and if the board obtains the prior approval of the state noxious weed control board for the changes in election dates and in the terms of incumbent board members))~~. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2) The ~~((elected))~~ voting members of the board shall represent the same ~~((districts))~~ sections designated by the county legislative authority in appointing members to the board at its inception and shall serve until their replacements are appointed. New members of the board shall be ~~((elected))~~ appointed at least thirty days prior to the expiration of any board member's term of office.

~~((The nomination and election of elected board members shall be conducted by the board at a public meeting held in the section where board memberships are about to expire. PROVIDED, That such nominations and elections may be held in another section of the county at the request of the county board and subject to approval by the state weed board. Elections at such meetings shall be by secret ballot, cast by the landowners residing in the section where an election for a board member is being conducted. The nominee receiving the majority of votes cast shall be deemed elected, and if there is only one nomination, said nominee shall be deemed elected unanimously:))~~

Notice of ~~((such nomination and election meeting))~~ expiration of a term of office shall be published at least twice in a weekly or daily newspaper of general circulation in said section with last publication occurring at least ten days prior to the ~~((meeting))~~ nomination. All persons interested in appointment to the board and residing in the section with a pending nomination shall make a written application that includes the signatures of at least ten registered voters residing in the section supporting the nomination to the county noxious weed control board. After nominations close, the county noxious weed control board shall, after a hearing, send the applications to the county legislative authority recommending the names of the most qualified candidates, and shall post the names of those nominees in the county courthouse and in three places in the section. The county legislative

authority, within ten days of receiving the list of nominees, shall appoint one of those nominees to the county noxious weed control board to represent that section during that term of office.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a ~~((chairman))~~ chairperson and such other officers as may be necessary.

(4) In case of a vacancy occurring in any ~~((elected))~~ voting position on a county noxious weed control board, the county legislative authority of the county in which such board is located shall appoint a qualified person to fill the vacancy for the unexpired term.

Sec. 5. Section 6, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.060 are each amended to read as follows:

(1) Each activated county noxious weed control board may employ a weed ~~((inspector))~~ coordinator whose duties shall be fixed by the board but which shall include inspecting land to determine the presence of noxious weeds. Within sixty days from initial employment the weed coordinator shall obtain a pest control consultant license, a pesticide operator license, and the necessary endorsements on the licenses as required by law. Each board may purchase, rent or lease such equipment, facilities or products and may hire such additional persons as it deems necessary for the administration of the county's noxious weed control program.

(2) Each activated county noxious weed control board shall have the power to adopt such rules and regulations, subject to notice and hearing as provided in chapters 42.30 and 42.32 RCW as now or hereafter amended, as are necessary for an effective county weed control or eradication program.

Sec. 6. Section 7, chapter 113, Laws of 1969 ex. sess. as amended by section 4, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.070 are each amended to read as follows:

(1) In addition to the powers conferred on the state noxious weed control board under other provisions of this chapter, it shall have power to:

~~(((1) Require the county legislative authority or the noxious weed control board of any county to report to it concerning the presence of noxious weeds and measures, if any, taken or planned for the control thereof;~~

~~(2))~~ (a) Employ a state noxious weed ~~((supervisor who shall act as executive secretary of the board and))~~ control board executive secretary who shall disseminate information relating to noxious weeds to county noxious weed control boards and weed districts and who shall work to coordinate the educational and weed control efforts of the various county and regional noxious weed control boards and weed districts;

~~((3) Do such things as may be necessary and incidental to the administration of its functions pursuant to this chapter))~~ (b) Adopt, amend, change, or repeal such rules, pursuant to the administrative procedure act, chapter 34.04 RCW, as may be necessary to carry out the duties and authorities assigned to the board by this chapter.

(2) The state noxious weed control board shall provide a written report before January 1 of each odd-numbered year to the governor, the legislature, the county noxious weed control boards, and the weed districts showing the funds disbursed by the department to each noxious weed control board or district, specifically how the funds were spent, and recommendations for the continued best use of state funds for noxious weed control. The report shall include recommendations as to the long-term needs regarding weed control.

NEW SECTION. Sec. 7. A new section is added to chapter 17.10 RCW to read as follows:

(1) In addition to the powers conferred on the director under other provisions of this chapter, the director shall, with the advice of the state noxious weed control board, have power to:

(a) Require the county legislative authority or the noxious weed control board of any county or any weed district to report to it concerning the presence, absence, or estimated amount of noxious weeds and measures, if any, taken or planned for the control thereof;

(b) Employ such staff as may be necessary in the administration of this chapter;

(c) Adopt, amend, change, or repeal such rules, pursuant to the administrative procedure act, chapter 34.04 RCW, as may be necessary to carry out this chapter;

(d) Do such things as may be necessary and incidental to the administration of its functions pursuant to this chapter including but not limited to surveying for and detecting noxious weed infestations;

(e) Upon receipt of a complaint signed by a majority of the members of an adjacent county noxious weed control board or weed district, require the county legislative authority or noxious weed control board of the county or weed district that is the subject of the complaint to respond to the complaint within forty-five days with a plan for the control of the noxious weeds cited in the complaint;

(f) If the complaint in subsection (e) of this section involves a class A or class B noxious weed, order the county legislative authority, noxious weed control board, or weed district to take immediate action to eradicate or control the noxious weed infestation. If the county or the weed district does not take action to control the noxious weed infestation in accordance with the order, the director may control it or cause it to be controlled. The county or weed district shall be liable for payment of the expense of the



control work including necessary costs and expenses for attorneys' fees incurred by the director in securing payment from the county or weed district;

(g) In counties which have not activated their noxious weed control board, enter upon any property as provided for in RCW 17.10.160, issue or cause to be issued notices and citations and take the necessary action to control noxious weeds as provided in RCW 17.10.170, hold hearings on any charge or cost of control action taken as provided for in RCW 17.10.180, issue a notice of civil infraction as provided for in sections 23 through 28 of this 1987 act, and place a lien on any property pursuant to RCW 17.10.280, 17.10.290, and 17.10.300 with the same authorities and responsibilities imposed by these sections on county noxious weed control boards;

(h) Adopt a list of noxious weed seeds and toxic weeds which shall be controlled in designated articles, products, or feed stuffs as provided for in RCW 17.10.235.

(2) The moneys appropriated for noxious weed control to the department shall be used for administration of the state noxious weed control board for determining the economic impact of noxious weeds in the state of Washington, the purchase of materials for controlling, containing, or eradicating noxious weeds, the purchase or collection of biological control agents for controlling noxious weeds, and the contracting for services to carry out the purposes of this chapter. In a county with an activated noxious weed control board, the director shall make every effort to contract with that board for the needed services.

(3) If the director determines the need to reallocate funds previously designated for county use, the director shall convene a meeting of the state noxious weed control board to seek its advice concerning any reallocation.

Sec. 8. Section 8, chapter 113, Laws of 1969 ex. sess. as amended by section 5, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.080 are each amended to read as follows:

(1) The state noxious weed control board shall each year or more often, following a hearing, adopt a state noxious weed list (~~comprising the names of those plants which it finds to be injurious to crops, livestock or other property~~).

(2) At ~~((such))~~ the hearing any ~~((county noxious weed control board))~~ person may request the inclusion of any plant to the lists to be adopted by the state noxious weed control board. Any hearing held pursuant to this section shall conform to the administrative procedure act, chapter 34.04 RCW: PROVIDED, That adding a weed to or deleting a weed from the list shall constitute a substantial change as provided for in RCW 34.04.025(2).

~~((Such list when adopted shall be designated as the "proposed noxious weed list", and))~~ The state noxious weed control board shall send a copy of the ~~((same))~~ lists to each activated county noxious weed control board, to each regional noxious weed control board, to each weed district, and to the county legislative authority of each county with an inactive noxious weed

control board. The record of hearing shall include the written findings of the board for the inclusion of each plant on the list. Such findings shall be made available upon request to any interested person.

Sec. 9. Section 9, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.090 are each amended to read as follows:

Each county noxious weed control board shall, within thirty days of the receipt of the ~~((proposed))~~ state noxious weed list from the state noxious weed control board and following a hearing, select those weeds from the ~~((proposed))~~ class C list and those weeds from the class B list not designated for control in the noxious weed control region in which the county lies which it finds necessary to be controlled in the county. The weeds thus selected and all class A weeds and those class B weeds that have been designated for control in the noxious weed control region in which the county lies shall be classified within ~~((this))~~ that county as noxious weeds, and ~~((such))~~ those weeds shall comprise the county noxious weed list.

Sec. 10. Section 10, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.100 are each amended to read as follows:

Where any of the following occur, the state noxious weed control board may, following a hearing, order any county noxious weed control board or weed district to include a ~~((proposed))~~ noxious weed from the state board's list in the county's noxious weed list:

(1) Where the state noxious weed control board receives a petition from at least one hundred ~~((landowners owning one acre or more of land))~~ registered voters within the county requesting that ~~((such))~~ the weed be listed.

(2) Where the state noxious weed control board receives a request for such inclusion from an adjacent county's noxious weed control board or weed district, which board or district has included ~~((such))~~ that weed in the county list and which board or weed district alleges that its noxious weed control program is being hampered by the failure to include ~~((such))~~ the weed on the county's noxious weed list.

Sec. 11. Section 11, chapter 113, Laws of 1969 ex. sess. as amended by section 6, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.110 are each amended to read as follows:

A regional noxious weed control board comprising the area of two or more counties may be created as follows:

~~((Either each))~~ The county legislative authority and/or ~~((each))~~ noxious weed control board of two or more counties may, upon a determination that the purpose of this chapter will be served by the creation of a regional noxious weed control board, adopt a resolution providing for a limited merger of the functions of their respective counties noxious weed control

boards. Such resolution shall become effective only when a similar resolution is adopted by the other county or counties comprising the proposed regional board.

Sec. 12. Section 12, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.120 are each amended to read as follows:

In any case where a regional noxious weed control board is created, the county noxious weed control boards comprising the regional board shall still remain in existence and shall retain all powers and duties provided for such boards under this chapter (~~(except for the powers and duties described in RCW 17.10.090)~~).

The regional noxious weed control board shall be comprised of the voting members and the nonvoting members of the component counties noxious weed control boards or county legislative authorities who shall, respectively, be the voting and nonvoting members of the regional board; PROVIDED, That each county shall have an equal number of voting members. The board may appoint other nonvoting members as deemed necessary. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect a (~~(chairman)~~) chairperson from its members and such other officers as may be necessary. Members of the regional board shall serve without salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

Sec. 13. Section 13, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.130 are each amended to read as follows:

The powers and duties of a regional noxious weed control board are as follows:

(1) The regional board shall, within (~~(forty)~~) thirty days of the receipt of the (~~(proposed)~~) state noxious weed list from the state noxious weed control board and following a hearing, select those weeds from the (~~(proposed)~~) state list which it finds necessary to be controlled (~~(in the region)~~) on a regional basis. The weeds thus selected shall (~~(comprise)~~) also be contained in the county noxious weed list of each county in the region.

(2) The regional board shall (~~(render such advice)~~) take such action as may be necessary to coordinate the noxious weed control programs of (~~(the counties within)~~) the region and (~~(the regional board)~~) shall adopt a regional plan for the control of noxious weeds.

NEW SECTION. Sec. 14. A new section is added to chapter 17.10 RCW to read as follows:

Obligations or liabilities incurred by any county or regional noxious weed control board or any claims against a county or regional noxious weed control board shall be governed by chapter 4.96 RCW or RCW 4.08.120: PROVIDED, That individual members or employees of a county noxious

weed control board shall be personally immune from civil liability for damages arising from actions performed within the scope of their official duties or employment.

Sec. 15. Section 15, chapter 113, Laws of 1969 ex. sess. as last amended by section 7, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.150 are each amended to read as follows:

(1) The county noxious weed control board in each county may classify lands for the purposes of this chapter. In regard to any land which is classified by the county noxious weed control board as not being used for agricultural purposes, the owner thereof shall have the following limited duty to control noxious weeds present on such land:

(a) The owner shall eradicate all class A noxious weeds, and shall control and prevent the spread of class B noxious weeds designated for control within the region in which such land lies. The owner shall also control and prevent the spread of class C noxious weeds on any portion of such land which is within the buffer strip around land used for agricultural purposes. The buffer strip shall be all land which is within one thousand feet of land used for agricultural purposes.

(b) In any case of a serious infestation of a particular noxious weed, which infestation exists within the buffer strip of land described in paragraph (a) of subsection (1) of this section, and which extends beyond said buffer strip of land, the county noxious weed control board may require that the owner of such buffer strip of land take such measures, both within said buffer ~~((zone))~~ strip of land as well as on other land owned by said owner contiguous to said buffer strip of land on which such serious infestation has spread, as are necessary to control and prevent the spread of such particular noxious weed.

~~((For purposes of this subsection, land shall not be classified as or considered as being used for agricultural purposes when the sole reason for classifying or considering it as such is that it is being used for the growing, planting or harvesting of trees for timber.))~~

(c) Forest lands classified pursuant to RCW 17.10.240(3) shall be subject to the weed control requirements established in subsection (1) (a) and (b) of this section at all times whether such lands are used for agricultural purposes or are not used for such purposes. In addition, forest lands shall be subject to RCW 17.10.140 and all other provisions of this chapter for a single five-year period designated by the county noxious weed control board following the harvesting of trees for timber.

(2) In regard to any land which is classified by the county noxious weed control board as scab or range land, the board may limit the duty of the owner thereof to control class C noxious weeds present on such land. The board may share the cost of controlling such weeds, may provide for a buffer strip around the perimeter of such land or may take any other reasonable measures to control or contain noxious weeds on such land at an

equitable cost to the owner. The board shall classify as range or scab land all that land within the county for which the board finds that the cost of controlling all of the noxious weeds present would be disproportionately high when compared to the benefits derived from noxious weed control on such land.

**NEW SECTION.** Sec. 16. A new section is added to chapter 17.10 RCW to read as follows:

It is recognized that the prevention, control, and eradication of noxious weeds presents a problem for immediate as well as for future action. It is further recognized that immediate prevention, control, and eradication is practicable on some lands and that prevention, control, and eradication on other lands should be extended over a period of time. Therefore, it is the intent of this chapter that county noxious weed control boards may use their discretion and, by agreement with the owners of land, may propose and accept plans for prevention, control, and eradication which may be extended over a period of years. The county noxious weed control board may make an agreement with the owner of any parcel of land by contract between the landowner and the respective county noxious weed control board, and the board shall enforce the terms of any agreement. The county noxious weed control board may make any terms which will best serve the interests of the owners of the parcel of land and the common welfare which comply with this chapter and the rules adopted thereunder.

Sec. 17. Section 16, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.160 are each amended to read as follows:

Any authorized agent or employee of the county noxious weed control board or of the state noxious weed control board or of the department of agriculture where not otherwise proscribed by law may enter upon any property for the purpose of administering this chapter and any power exercisable pursuant thereto, including the taking of specimens of weeds or other materials, general inspection, and the performance of eradication or control work. ~~((Such entry may be made without the consent of the owner: PROVIDED, That the consent of the owner of any land shall be obtained where, due to fire danger, the owner or any state agency has either closed the land to public entry. PROVIDED FURTHER, That))~~ Prior to carrying out the purposes for which the entry is made, the official making such entry or someone in his or her behalf, shall have first made a reasonable attempt to notify the owner of the property as to the purpose and need for the entry.

(1) When there is probable cause to believe that there is property within this state not otherwise exempt from process or execution upon which noxious weeds are standing or growing and the owner thereof refuses permission to inspect the property, a judge of the superior court or district court in the county in which such property is located may, upon the request

of the county noxious weed control board or its agent, issue a warrant directed to such board or agent authorizing the search for the noxious weeds described in the request for the warrant.

(2) Application for issuance and execution and return of the warrant authorized by this section shall be in accordance with the applicable rules of the superior court or the district courts.

(3) Nothing in this section requires the application for and issuance of any warrant not otherwise required by law: PROVIDED ((FURTHER)), That civil liability for negligence shall lie in any case in which entry and any of the activities connected therewith are not undertaken with reasonable care.

(4) Any person who improperly prevents or threatens to prevent entry upon land as authorized in this section or any person who interferes with the carrying out of this chapter shall be upon conviction guilty of a misdemeanor.

Sec. 18. Section 17, chapter 113, Laws of 1969 ex. sess. as last amended by section 1, chapter 118, Laws of 1979 and RCW 17.10.170 are each amended to read as follows:

(1) Whenever the county noxious weed control board finds that noxious weeds are present on any parcel of land, and that the owner thereof is not taking prompt and sufficient action to control the same, pursuant to the provisions of RCW 17.10.140 and 17.10.150, it shall notify ((such)) the owner that a violation of this chapter exists. ((Such)) The notice shall be in writing(;) and sent by certified mail, and shall identify the noxious weeds found to be present, order prompt control action, and specify the time, of at least ten days from issuance of the notice, within which the prescribed action must be taken. Upon deposit of the certified letter of notice, the noxious weed control authority shall make an affidavit of mailing which shall be prima facie evidence that proper notice was given. If seed dispersion is imminent, immediate control action may be taken forty-eight hours following the time that notification is reasonably expected to have been received by the owner or agent by certified mail or personal service.

(2) The county noxious weed control board or its authorized agents may ((cause citations to be issued)) issue a notice of civil infraction as provided for in sections 23 through 28 of this 1987 act to owners who do not take action to control ((tansy ragwort)) noxious weeds in accordance with the notice.

(3) If the owner does not take action to control the noxious weeds in accordance with the notice, the county board may control them, or cause their being controlled, at the expense of the owner. The amount of such expense shall constitute a lien against the property and may be enforced by proceedings on such lien except as provided for by RCW 79.44.060. The owner shall be liable for payment of the expense, and nothing in this chapter shall be construed to prevent collection of any judgment on account

thereof by any means available pursuant to law, in substitution for enforcement of the lien. Necessary costs and expenses including reasonable attorneys' fees incurred by the county noxious weed control board in carrying out this section may be recovered at the same time as a part of the action filed under this section. Funds received in payment for the expense of controlling noxious weeds shall be transferred to the county noxious weed control board to be expended as required to carry out the purposes of this chapter.

(4) The county auditor shall record in his office any lien created under this chapter, and any such lien shall bear interest at the rate of twelve percent per annum from the date on which the county noxious weed control board approves the amount expended in controlling such weeds.

(5) As an alternative to the enforcement of any lien created under subsection (3) of this section, the county legislative authority may by resolution or ordinance require that each such lien created shall be collected by the treasurer in the same manner as a delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall bear interest at the rate of twelve percent per annum and such interest shall accrue as of the date notice of the lien is sent to the owner: PROVIDED, That any collections for such lien shall not be considered as tax.

Sec. 19. Section 18, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.180 are each amended to read as follows:

Any owner, upon request pursuant to the rules and regulation of the county noxious weed control board, shall be entitled to a hearing before the board on any charge or cost for which ~~((such))~~ the owner is alleged to be liable pursuant to RCW 17.10.170 or 17.10.210. The board shall send notice by certified mail within thirty days, to each owner ~~((residing within the county))~~ at ~~((his))~~ the owner's last known address, as to any such charge or cost and as to his right of a hearing. ~~((If the owner does not reside within the county, such notice shall be sent by certified mail.))~~ The hearing shall be scheduled within forty-five days of notification. Any determination or final action by the board shall be subject to judicial review by a proceeding in the superior court in the county in which the property is located, and such court shall have original jurisdiction to determine any suit brought by the owner to recover damages allegedly suffered on account of control work negligently performed: PROVIDED, That no stay or injunction shall lie to delay any such control work subsequent to notice given pursuant to RCW 17.10.160 or pursuant to an order under RCW 17.10.210.

Sec. 20. Section 19, chapter 113, Laws of 1969 ex. sess. as amended by section 9, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.190 are each amended to read as follows:

Each activated county noxious weed control board shall cause to be published annually and at such other times as may be appropriate in at least

one newspaper of general circulation within its area a general notice (~~during the month of March and at such other times as may be appropriate.~~ Such). The notice shall direct attention to the need for noxious weed control and shall give such other information with respect thereto as may be appropriate, or shall indicate where such information may be secured. In addition to the general notice required hereby, the county noxious weed control board may use any appropriate media for the dissemination of information to the public as may be calculated to bring the need for noxious weed control to the attention of owners. The board may consult with individual owners concerning their problems of noxious weed control and may provide them with information and advice, including giving specific instructions and methods when and how certain named weeds are to be controlled. Such methods may include definite systems of tillage, cropping, management, ~~(and)~~ or use of livestock. Publication of a notice as required by this section shall not be a condition precedent to the enforcement of this chapter.

Sec. 21. Section 20, chapter 113, Laws of 1969 ex. sess. as amended by section 3, chapter 118, Laws of 1979 and RCW 17.10.200 are each amended to read as follows:

(1) In the case of land owned by the United States on which control measures of a type and extent required pursuant to this chapter have not been taken, the ~~((county))~~ local noxious weed control ~~((board))~~ authority, with the approval of both the director of the department of agriculture and the appropriate federal agency, may perform, or cause to be performed, such work. The cost thereof, if not paid by the agency managing the land, ~~((shall be a state charge and))~~ may be paid from any funds available to the department of agriculture or the local noxious weed control authority for the administration of this chapter.

(2) The county noxious weed control board is authorized to enter into any reasonable agreement with the appropriate authorities for the control of noxious weeds on Indian or federal lands.

(3) The state shall make all possible efforts to obtain reimbursement from the federal government for costs incurred under this section: **PROVIDED**, That the state shall actively seek to inform the federal government of the need for noxious weed control on federally owned land where the presence of noxious weeds adversely affects local control efforts: **PROVIDED FURTHER**, That the state shall actively seek adequate federal funding for noxious weed control on Indian or federally owned land.

Sec. 22. Section 21, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.210 are each amended to read as follows:

(1) Whenever the director or the county noxious weed control board or a weed district finds that a parcel of land is so seriously infested with class A or class B noxious weeds that control measures cannot be undertaken thereon without quarantining the land and restricting or denying access



thereto or use thereof, the director or the county noxious weed control board or weed district, with the approval of the director of the department of agriculture, may issue an order for such quarantine and restriction or denial of access or use. Upon issuance of the order, the director or the county noxious weed control board ((promptly)) or weed district shall commence necessary control measures and shall prosecute them with due diligence.

(2) An order of quarantine shall be served, by any method sufficient for the service of civil process, on all persons known to qualify as owners of the land within the meaning of this chapter.

(3) The director shall, with the advice of the state noxious weed control board, determine how the expense of control work undertaken pursuant to this section, and the cost of any quarantine in connection therewith, shall be ((borne as follows: One-third by the owner, one-third by the county noxious weed control board, and one-third by the department of agriculture)) apportioned.

Sec. 23. Section 23, chapter 113, Laws of 1969 ex. sess. as amended by section 2, chapter 118, Laws of 1979 and RCW 17.10.230 are each amended to read as follows:

Any owner knowing of the existence of any noxious weeds on ~~((his))~~ the owner's land who fails to control such weeds in accordance with this chapter and rules and regulations in force pursuant thereto; or any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210; ~~((any person who prevents or threatens to prevent entry upon land as authorized in RCW 17.10.160;))~~ or any person who interferes with the carrying out of the provisions of this chapter ~~((, shall be, upon conviction, guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars on account of each violation or, in the case of failure to control tansy ragwort in accordance with the provisions of RCW 17.10.170; by a fine not to exceed five hundred dollars on account of each violation))~~ has committed a civil infraction.

NEW SECTION. Sec. 24. A new section is added to chapter 17.10 RCW to read as follows:

The county noxious weed control board may issue a notice of civil infraction if after investigation it has reasonable cause to believe an infraction has been committed. It shall be a misdemeanor for any person to refuse to identify himself or herself properly for the purpose of issuance of a notice of infraction. Any person wilfully violating a written and signed promise to respond to a notice of infraction shall be guilty of a misdemeanor regardless of the disposition of the notice of infraction.

NEW SECTION. Sec. 25. A new section is added to chapter 17.10 RCW to read as follows:

(1) A person who receives a notice of infraction shall respond to the notice as provided for in this section within fifteen days of the date on the notice.

(2) Any employee or agent of an owner subject to this chapter may accept a notice of infraction on behalf of the owner. The county noxious weed control board shall also furnish a copy of the notice of infraction to the owner by certified mail within five days of issuance.

(3) If the person determined to have committed the infraction does not contest the determination, that person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction shall be submitted with the response. When a response that does not contest the determination is received, an appropriate order shall be entered into the court's record and a record of the response shall be furnished to the county noxious weed control board.

(4) If a person determined to have committed the infraction wishes to contest the determination, that person shall respond by completing the portion of the notice of the infraction requesting a hearing and submitting it either by mail or in person to the court specified in the notice. The court shall notify the person in writing of the time, place, and date of the hearing which shall not be sooner than fifteen days from the date on the notice, except by agreement.

(5) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it either by mail or in person to the court specified in the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(6) If a person issued a notice of infraction fails to respond to the notice of infraction or fails to appear at the hearing requested pursuant to this section, the court shall enter an appropriate order assessing the monetary penalty prescribed in the schedule of penalties submitted to the court by the state noxious weed control board and shall notify the county noxious weed control board of the failure to respond to the notice of infraction or to appear at a requested hearing.

**NEW SECTION.** Sec. 26. A new section is added to chapter 17.10 RCW to read as follows:

A hearing held for the purpose of contesting the determination that an infraction has been committed shall be held without jury. The court may consider the notice of infraction and any other written report submitted by the county noxious weed control board. The person named in the notice may

subpoena witnesses and has the right to present evidence and examine witnesses present in court. The burden of proof is upon the county noxious weed control board to establish the commission of the infraction by preponderance of evidence.

After consideration of the evidence and argument, the court shall determine whether the infraction was committed. Where it is not established that the infraction was committed, an order dismissing the notice shall be entered in the court's record. If it is established that the infraction was committed, an appropriate order shall be entered in the court's record, a copy of which shall be furnished to the county noxious weed control board. Appeal from the court's determination or order shall be to the superior court and must be within ten days of the determination or order. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the rules of appellate procedure.

**NEW SECTION.** Sec. 27. A new section is added to chapter 17.10 RCW to read as follows:

A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person named in the notice may not subpoena witnesses. The determination that the infraction has been committed may not be contested at a hearing held for the purpose of explaining circumstances. After the court has heard the explanation of the circumstances surrounding the commission of the infraction, an appropriate order shall be entered in the court's record. A copy of the order shall be furnished to the county noxious weed control board. There may be no appeal from the court's determination or order.

**NEW SECTION.** Sec. 28. A new section is added to chapter 17.10 RCW to read as follows:

Any person found to have committed a civil infraction under this chapter shall be assessed a monetary penalty. No monetary penalty so assessed may exceed one thousand dollars. The state noxious weed control board shall adopt a schedule of monetary penalties for each violation of this chapter classified as a civil infraction and shall submit the schedule to the appropriate court. If a monetary penalty is imposed by the court, the penalty is immediately due and payable. The court may, at its discretion, grant an extension of time, not to exceed thirty days, in which the penalty must be paid. Failure to pay any monetary penalties imposed under this chapter shall be punishable as a misdemeanor.

**\*NEW SECTION.** Sec. 29. A new section is added to chapter 17.10 RCW to read as follows:

*All civil fines received by the courts as the result of notices of infractions issued by the county noxious weed control board shall be paid to the*

*county noxious weed control board, less any mandatory court costs and assessments and shall be used solely for the purpose of carrying out the provisions of this chapter and rules adopted under it.*

\*Sec. 29 was vetoed, see message at end of chapter.

Sec. 30. Section 4, chapter 118, Laws of 1979 and RCW 17.10.235 are each amended to read as follows:

(1) Any person who knowingly or negligently sells ~~((hay))~~ a product, article, or feed stuff designated under subsection (2) of this section containing ~~((viable tansy ragwort seed in sufficient amounts to create a hazard of the spread of tansy ragwort by seed, and any person who knowingly sells hay containing tansy ragwort in sufficient amounts to be injurious to the health of the animal that consumes it;))~~ noxious weed seeds or toxic weeds designated for control under subsection (2) of this section and in an amount greater than the amount established by the director for the seed or weed under subsection (2) of this section is guilty of a misdemeanor.

(2) The director of agriculture shall adopt, with the advice of the state noxious weed control board, rules ~~((establishing the amount of tansy ragwort seed or tansy ragwort in hay that constitutes a violation of subsection (1) of this section))~~ designating noxious weed seeds the presence of which shall be controlled in products or articles to prevent the spread of noxious weeds. The rules shall identify the products and articles in which such seeds must be controlled and the maximum amount of such seed to be permitted in the product or article to avoid a hazard of spreading the noxious weed by seed from the product or article. The director shall also adopt, with the advice of the state board, rules designating toxic weeds the presence of which shall be controlled in feed stuffs to prevent injury to the animal that consumes the feed. The rules shall identify the feed stuffs in which the toxic weeds must be controlled and the maximum amount of the toxic weed to be permitted in such feed.

(3) The department of agriculture shall, upon request of the buyer, inspect ~~((hay))~~ products, articles, or feed stuffs designated under subsection (2) of this section and charge fees, in accordance with chapter 22.09 RCW, to determine the presence of ~~((tansy ragwort))~~ designated noxious weed seeds or toxic weeds.

Sec. 31. Section 24, chapter 113, Laws of 1969 ex. sess. as amended by section 10, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.240 are each amended to read as follows:

~~((+))~~ The activated county noxious weed control board~~((s))~~ of each county shall annually submit a budget to the county legislative authority for the operating cost of the county's weed program for the ensuing fiscal year; PROVIDED, That if the board finds the budget approved by the legislative authority is insufficient for an effective county noxious weed control program it shall petition the county legislative authority to hold a hearing as provided in section 35 of this 1987 act. Control of weeds is a special benefit

to the lands within any such ~~((district:))~~ section. Funding for the budget shall be derived from either or both of the following:

(1) The county legislative authority may, in lieu of a tax, levy an assessment against the land for this purpose. Prior to the levying of an assessment the county noxious weed control board shall hold a public hearing at which it shall gather information to serve as a basis for classification and shall then classify the lands into suitable classifications, including but not limited to dry lands, range lands, irrigated lands, nonuse lands, forest lands, or federal lands. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each class, such an amount as shall seem just (~~(, but which shall be uniform per acre in its respective class)~~). The assessment rate shall be either uniform per acre in its respective class or a flat rate per parcel rate plus a uniform rate per acre: PROVIDED, That if no special benefits should be found to accrue to a class of land, a zero assessment may be levied. The legislative authority, upon receipt of the proposed levels of assessment from the board, after a hearing, shall accept, modify, or refer back to the board for ~~((their))~~ its reconsideration all or any portion of the proposed levels of assessment. The findings by the county legislative authority of such special benefits, when so declared by resolution and spread upon the minutes of said authority shall be conclusive as to whether or not the same constitutes a special benefit to the lands within the ~~((district:))~~ section. The amount of such assessment shall constitute a lien against the property. The county legislative authority may by resolution or ordinance require that notice of the lien be sent to each owner of property for which the assessment has not been paid by the date it was due and that each such lien created shall be collected by the treasurer in the same manner as delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall bear interest at the rate of twelve percent per annum and such interest shall accrue as of the date notice of the lien is sent to the owner: PROVIDED FURTHER, That any collections for such lien shall not be considered as tax; or

(2) ~~((In addition,))~~ The county legislative authority may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the county legislative authority may make emergency appropriations as it deems necessary for the implementation of this chapter.

(3) ~~((Neither the legislative authority of a county nor the county weed control board activated in a county shall expend money from the county general fund or assessments levied for the operation of such activated county weed control board on any lands within the boundaries of any Indian reservation unless the tribal council of such reservation contracts with the legislative authority of the county and its activated weed control board to~~

~~carry out its program on such reservation lands: PROVIDED, That the fees charged any Indian reservation for services rendered by the weed control board in controlling weeds on Indian reservation lands shall be no less than the fees assessed land owners of similar lands within the county jurisdiction of such activated weed control board.))~~ Forest lands used solely for the planting, growing, or harvesting of trees and which are typified, except during a single period of five years following clear-cut logging, by canopies so dense as to prohibit growth of an understory may be subject to an annual noxious weed assessment levied by a county legislative authority that shall not exceed one-tenth of the weighted average per acre noxious weed assessment levied on all other lands in unincorporated areas within the county that are subject to the weed assessment. This assessment shall be computed in accordance with the formula in subsection (4) of this section.

(4) The calculation of the "weighted average per acre noxious weed assessment" shall be a ratio expressed as follows: (a) The numerator shall be the total amount of funds estimated to be collected from the per acre assessment on all lands except (i) forest lands as identified in subsection (3) of this section, (ii) lands exempt from the noxious weed assessment, and (iii) lands located in an incorporated area. (b) The denominator shall be the total acreage from which funds in (a) of this subsection are collected. For lands of less than one acre in size, the denominator calculation may be based on the following assumptions: (i) Unimproved lands shall be calculated as being one-half acre in size on the average, and (ii) improved lands shall be calculated as being one-third acre in size on the average. The county legislative authority may choose to calculate the denominator for lands of less than one acre in size using other assumptions about average parcel size based on local information.

(5) For those counties that levy a per parcel assessment to help fund noxious weed control programs, the per parcel assessment on forest lands as defined in subsection (3) of this section shall not exceed one-tenth of the per parcel assessment on nonforest lands.

Sec. 32. Section 25, chapter 113, Laws of 1969 ex. sess. as amended by section 11, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.250 are each amended to read as follows:

The legislative authority of any county with an activated noxious weed control board or the board of any weed district may apply to the ((state noxious weed control board)) director for ((state financial aid in an amount not to exceed fifty percent of the locally funded portion of the annual operating cost of such noxious weed control board. Any such aid shall be expended from the general fund from such appropriation as the legislature may provide for this purpose)) noxious weed control funds. Any such applicant must employ adequate administrative personnel to supervise an effective weed control program as determined by the director with advice from the state noxious weed control board. The director with advice from the

state noxious weed control board shall adopt rules on the distribution and use of noxious weed control account funds.

Sec. 33. Section 28, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.260 are each amended to read as follows:

The administrative powers granted under this chapter to the director of the department of agriculture and to the state noxious weed control board shall be exercised in conformity with the provisions of the administrative procedure act, chapter 34.04 RCW, as now or hereafter amended. The use of any substance to control noxious weeds shall be subject to the provisions of the water pollution control act, chapter 90.48 RCW, as now or hereafter amended, the Washington pesticide control act, chapter 15.58 RCW, and the Washington pesticide application act, chapter 17.21 RCW.

Sec. 34. Section 5, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.270 are each amended to read as follows:

Each noxious weed control board may (~~((purchase liability))~~) obtain such insurance or surety bonds, or both with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

Sec. 35. Section 13, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.280 are each amended to read as follows:

Every activated county noxious weed control board performing labor (~~((upon))~~), furnishing material, or renting, leasing or otherwise supplying equipment, to be used in the control of noxious weeds, or in causing control of noxious weeds, upon any property pursuant to the provisions of chapter 17.10 RCW has a lien upon such property for the labor performed, material furnished, or equipment supplied whether performed, furnished, or supplied with the consent of the owner, or his agent, of such property, or without the consent of said owner or agent.

Sec. 36. Section 14, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.290 are each amended to read as follows:

Every county noxious weed control board furnishing labor, materials, or supplies or renting, leasing, or otherwise supplying equipment to be used in the control of noxious weeds upon any property pursuant to RCW 17.10.160 and 17.10.170 or pursuant to an order under RCW 17.10.210 as now or hereafter amended, shall give to the owner or reputed owner or his agent a notice in writing, within ninety days from the date of the cessation of the performance of such labor, the furnishing of such materials, or the supplying of such equipment, which notice shall cover the labor, material, supplies, or equipment furnished or leased, as well as all subsequent labor, materials, supplies, or equipment furnished or leased, stating in substance and effect that such county noxious weed control board is furnishing or has

furnished labor, materials and supplies or equipment for use thereon, with the name of the county noxious weed control board ordering the same, and that a lien may be claimed for all materials and supplies or equipment furnished by such county noxious weed control board for use thereon, which notice shall be given by mailing the same by registered or certified mail in an envelope addressed to the owner at his place of residence or reputed residence.

**NEW SECTION.** Sec. 37. A new section is added to chapter 17.10 RCW to read as follows:

The following procedures shall be followed to deactivate a county noxious weed control board:

(1) The county legislative authority shall hold a hearing to determine whether there continues to be a need for an activated county noxious weed control board if:

(a) A petition is filed by one hundred registered voters within the county;

(b) A petition is filed by a county noxious weed control board as provided in RCW 17.10.240; or

(c) The county legislative authority passes a motion to hold such a hearing.

(2) Except as provided in subsection (4) of this section, the hearing shall be held within sixty days of final action taken under subsection (1) of this section.

(3) If, after hearing, the county legislative authority determines that no need exists for a county noxious weed control board, the county legislative authority shall deactivate the board.

(4) The county legislative authority shall not convene a hearing as provided for in subsection (1) of this section more frequently than once a year.

Sec. 38. Section 26, chapter 113, Laws of 1969 ex. sess. as amended by section 12, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.900 are each amended to read as follows:

Any weed district formed under chapter 17.04 or 17.06 RCW prior to the enactment of this chapter, shall continue to operate under the provisions of the chapter under which it was formed: PROVIDED, That if ten percent of the landowners subject to any such weed district, and the county noxious weed control board upon its own motion, petition the county legislative authority for a dissolution of the weed district, the county legislative authority shall provide for an election to be conducted in the same manner as required for the election of directors under the provisions of chapter 17.04 RCW, to determine by majority vote of those casting votes, if such weed district shall continue to operate under the act it was formed. The land area of any dissolved weed district shall forthwith become subject to the provisions of this chapter.



Sec. 39. Section 3, chapter 174, Laws of 1984 and RCW 43.51.407 are each amended to read as follows:

The state parks and recreation commission shall do the following with respect to the portion of the Milwaukee Road corridor under its control:

(1) Manage the corridor as a recreational trail except when closed under RCW 43.51.409;

(2) Close the corridor to hunting;

(3) Close the corridor to all motorized vehicles except: (a) Emergency or law enforcement vehicles; (b) vehicles necessary for access to utility lines; and (c) vehicles necessary for maintenance of the corridor, or construction of the trail;

(4) Comply with legally enforceable conditions contained in the deeds for the corridor;

(5) Control weeds under the applicable provisions of chapters 17.04, 17.06, (~~17.08;~~) and 17.10 RCW; and

(6) Clean and maintain culverts.

NEW SECTION. Sec. 40. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 194, Laws of 1937, section 1, chapter 89, Laws of 1953 and RCW 17.08.010;

(2) Section 2, chapter 194, Laws of 1937, section 3, chapter 169, Laws of 1977 ex. sess., section 9, chapter 469, Laws of 1985 and RCW 17.08.020;

(3) Section 6, chapter 13, Laws of 1957 and RCW 17.08.050;

(4) Section 7, chapter 13, Laws of 1957 and RCW 17.08.060;

(5) Section 8, chapter 13, Laws of 1957, section 10, chapter 469, Laws of 1985 and RCW 17.08.070;

(6) Section 9, chapter 13, Laws of 1957 and RCW 17.08.080;

(7) Section 10, chapter 13, Laws of 1957 and RCW 17.08.090;

(8) Section 12, chapter 13, Laws of 1957 and RCW 17.08.100;

(9) Section 13, chapter 13, Laws of 1957 and RCW 17.08.110;

(10) Section 5, chapter 194, Laws of 1937, section 3, chapter 89, Laws of 1953, section 8, chapter 205, Laws of 1959 and RCW 17.08.120;

(11) Section 4, chapter 89, Laws of 1953 and RCW 17.08.130;

(12) Section 5, chapter 89, Laws of 1953 and RCW 17.08.140;

(13) Section 6, chapter 89, Laws of 1953 and RCW 17.08.150; and

(14) Section 22, chapter 113, Laws of 1969 ex. sess. and RCW 17.10-.220.

Passed the House March 20, 1987.

Passed the Senate April 8, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 29, Engrossed Substitute House Bill No. 648, entitled:

"AN ACT Relating to noxious weed control."

Section 29 of this bill would require courts to distribute revenue received as a result of infractions issued by a noxious weed board in a different way than is currently prescribed by statute. As part of the Court Improvement Act of 1984, all court revenue is distributed according to a 68/32% formula between local and state government. The Court Improvement Act did away with an administratively expensive and cumbersome system of separate accounting for numerous small special purpose court collections. The unified and simplified system now in place is vastly superior to its predecessor. The change mandated by this section would be a step backward toward the old system.

With the exception of section 29, Engrossed Substitute House Bill No. 648 is approved."

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## CHAPTER 439

[Second Substitute Senate Bill No. 5074]

### INVOLUNTARY COMMITMENT PROCEDURES REVISED—PILOT PROGRAM ESTABLISHED

AN ACT Relating to mental health; 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.

Be it enacted by the Legislature of the State of Washington:

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. 10 was partially vetoed, see message at end of chapter.

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.

Passed the Senate April 20, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto as follows:

"I am returning herewith, with out 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 then 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."

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## CHAPTER 440

[Substitute House Bill No. 418]

### CHILD SUPPORT SCHEDULE COMMISSION

AN ACT Relating to child support; creating new sections; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**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, one of which shall be a non-custodial parent; and (e) two public members who represent the affected populations, one of which shall be a non-custodial parent. 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.

Passed the House April 22, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 441

[Substitute House Bill No. 419]

### PATERNITY ESTABLISHMENT SERVICES

AN ACT Relating to administrative establishment of paternity; amending RCW 74.20A-.280; creating new sections; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The state of Washington through the department of social and health services is required by state and federal statutes to provide paternity establishment services. These statutes require that reasonable efforts to establish paternity be made, if paternity of the child is in question, in all public assistance cases and whenever such services are requested in nonassistance cases.

The increasing number of children being born out of wedlock together with improved awareness of the benefits to the child and society of having paternity established have resulted in a greater demand on the existing judicial paternity establishment system.

Sec. 2. Section 23, chapter 171, Laws of 1979 ex. sess. and RCW 74-.20A.280 are each amended to read as follows:

While discharging its responsibilities to enforce the support obligations of responsible parents, the department shall respect the right of privacy of recipients of public assistance and of other persons. Any inquiry about sexual activity shall be limited to that necessary to ~~((resolve a genuine dispute about the parentage of a child. When a custodial mother has informed the department that a particular man is the father of her child, the department shall make no further inquiry into her personal life unless the man so identified has denied that he is the father of such child))~~ identify and locate possible fathers and to gather facts needed in the adjudication of parentage.

NEW SECTION. Sec. 3. The department of social and health services shall augment its present paternity establishment services through the hiring of additional assistant attorneys general, or contracting with prosecutors or private attorneys licensed in the state of Washington in those judicial districts experiencing delay or an accumulation of unserved paternity cases. The employment of private attorneys shall be limited in scope to renewable six-month periods in judicial districts where the prosecutor or the attorney general cannot provide adequate, cost-effective service. The department of social and health services shall provide a written report of the circumstances requiring employment of private attorneys 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.

NEW SECTION. Sec. 4. The sum of four hundred sixty-seven thousand seven hundred eighty-seven dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of social and health services for the office of support enforcement for the biennium ending June 30, 1989, to carry out the required paternity establishment services.

Pursuant to RCW 26.26.060(2), the office of support enforcement within the department of social and health services shall utilize this appropriation for ensuring that full paternity services are provided as mandated by federal and state law.

Passed the House April 26, 1987.

Passed the Senate April 13, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 442

[Engrossed Substitute House Bill No. 927]

### ENFORCEMENT OF JUDGMENTS

AN ACT Relating to the enforcement of judgments; amending RCW 6.12.010, 6.12.020, 6.12.050, 6.12.045, 6.12.120, 6.12.110, 6.12.090, 6.12.100, 6.12.105, 6.12.140, 6.12.150, 6.12.170, 6.12.180, 6.12.190, 6.12.220, 6.12.230, 6.12.250, 6.12.260, 6.12.270, 6.12.280, 6.12.300,

6.12.310, 6.12.320, 6.12.330, 6.16.020, 6.16.030, 6.16.050, 6.16.070, 6.16.080, 6.16.090, 6.04.010, 6.04.070, 6.04.020, 6.04.030, 6.04.140, 6.04.060, 6.04.035, 6.04.040, 6.04.050, 6.04.100, 7.12.130, 6.04.120, 6.04.130, 6.20.010, 6.20.020, 6.20.030, 6.20.050, 6.24.010, 6.24.015, 6.24.020, 6.24.050, 6.24.030, 6.24.060, 6.24.090, 6.24.100, 6.24.220, 6.24.110, 6.24.130, 6.24.140, 6.24.145, 6.24.150, 6.24.160, 6.24.170, 6.24.180, 6.24.190, 6.24.200, 6.24.210, 6.24.230, 7.12.010, 7.12.020, 7.12.030, 7.12.040, 7.12.060, 7.12.070, 7.12.070, 7.12.080, 7.12.090, 7.12.100, 7.12.110, 7.12.120, 7.12.200, 7.12.140, 7.12.270, 7.12.250, 7.12.150, 7.12.160, 7.12.170, 7.12.210, 7.12.220, 7.12.230, 7.12.240, 7.12.310, 7.33.030, 7.33.340, 7.33.010, 7.33.020, 7.33.060, 7.12.180, 7.33.040, 7.33.050, 7.33.090, 7.33.110, 7.33.130, 7.33.140, 7.33.320, 7.33.280, 7.33.160, 7.33.170, 7.33.150, 7.33.190, 7.33.240, 7.33.260, 7.33.290, 7.33.180, 7.33.200, 7.33.210, 7.33.220, 7.33.230, 7.33.330, 7.33.300, 7.33.270, 7.33.350, 7.33.360, 7.33.370, 7.33.380, 3.66.100, 12.04.050, 4.56.190, 4.64.060, 4.64.070, 4.64.030, 4.64.080, 4.64.020, 4.64.100, 4.64.120, 4.64.110, 4.64.090, 6.32.250, 11.52.010, 35A.21.195, 51.24.060, and 51.48.150; adding a new section to chapter 6.32 RCW; adding new chapters to Title 6 RCW; creating new sections; recodifying sections; and repealing RCW 6.12.070, 6.12.080, 6.12.160, 6.12.200, 6.12.210, 6.12.240, 6.16.010, 6.16.040, 6.04.080, 6.04.090, 6.04.095, 6.04.110, 6.04.150, 6.20.040, 6.24.070, 6.24.080, 6.24.120, 7.12.050, 7.12.190, 7.12.260, 7.12.280, 7.12.290, 7.12.300, 7.12.330, 12.24.010, 12.24.020, 12.24.030, 12.24.040, 12.24.050, 12.24.060, 12.24.070, 12.24.080, 12.24.090, 12.24.100, 12.24.110, 12.24.120, 12.24.130, 12.24.135, 12.24.140, 12.24.150, 12.24.160, 12.24.170, 12.24.180, 12.24.190, 12.24.200, 12.24.210, 7.33.070, 7.33.080, 7.33.100, 7.33.120, 7.33.250, 7.33.390, and 4.64.040.

Be it enacted by the Legislature of the State of Washington:

## PART I GENERAL PROVISIONS

**NEW SECTION.** Sec. 101. Except as otherwise expressly provided, the provisions of this chapter and of chapters 6.04, 6.12, 6.16, 6.20, 6.— (part VI of this act), 7.12, 7.33, 6.— RCW (part IX of this act), as recodified by this act, and chapter 6.32 RCW apply to both the superior courts and district courts of this state. If proceedings are before a district court, acts to be performed by the clerk may be performed by a district court judge if there is no clerk. As used in this title, "sheriff" includes deputies, and "execution docket" refers also to the docket of a district court.

**NEW SECTION.** Sec. 102. For purposes of this title and RCW 4.56.190 and 4.56.210, a judgment of a superior court is entered when it is delivered to the clerk's office for filing. A judgment of a district court of this state is entered on the date of the entry of the judgment in the docket of the court. A judgment of a small claims department of a district court of this state is entered on the date of the entry in the docket of that department.

**NEW SECTION.** Sec. 103. If the sheriff is a party or otherwise interested in an action in which a writ of execution, attachment, or replevin is to be served, the writ shall be directed to the coroner of the county, or the officer exercising the powers and performing the duties of coroner if there is no coroner, and the person to whom the writ is thus directed shall perform the duties of the sheriff.

**NEW SECTION.** Sec. 104. (1) When property liable to an execution against several persons is sold on execution, if more than a due proportion of the judgment is levied upon the property of one person, or one of them pays without a sale more than his or her due proportion, that person may

compel contribution from the others. When a judgment against several persons is upon an obligation or contract of one of them as security for another, if the surety pays the full amount or any part of the judgment, either by sale of the surety's property or before sale, the surety may compel repayment from the principal.

(2) In either case covered by subsection (1) of this section, the person or surety so paying shall be entitled to the benefit of the judgment to enforce contribution or repayment, if within thirty days after the payment, notice of the payment and claim to contribution or repayment is filed with the clerk of the court where the judgment was rendered.

(3) Upon filing such notice, the clerk shall make an entry thereof in the docket where the judgment is entered.

## PART II HOMESTEAD EXEMPTION

Sec. 201. Section 1, chapter 64, Laws of 1895 as last amended by section 7, chapter 329, Laws of 1981 and RCW 6.12.010 are each amended to read as follows:

(1) The homestead consists of the dwelling house or the mobile home in which the owner resides or intends to reside, with appurtenant buildings, and the land on which the same are situated(;) and by which the same are surrounded, or improved or unimproved land (~~((without improvements purchased))~~) owned with the intention of ~~((building))~~ placing a house or mobile home thereon and residing thereon. A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner. Property included in the homestead must be actually intended or used as the principal home for the owner.

(2) As used in this chapter, the term "owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

(3) As used in this chapter, the term "net value" means market value less all liens and encumbrances.

Sec. 202. Section 2, chapter 64, Laws of 1895 as last amended by section 8, chapter 329, Laws of 1981 and RCW 6.12.020 are each amended to read as follows:

If the owner is married, the homestead may consist of the community or jointly owned property of the spouses or the separate property of either spouse: PROVIDED, That the same premises may not be claimed separately by the husband and wife with the effect of increasing the net value of the homestead available to the marital community beyond the amount specified in RCW 6.12.050 as now or hereafter amended. When the owner is not married, the homestead may consist of any of his or her property.

Sec. 203. Section 24, chapter 64, Laws of 1895 as last amended by section 4, chapter 45, Laws of 1983 1st ex. sess. and RCW 6.12.050 are each amended to read as follows:

A homestead((s)) may consist of lands ((and tenements with the improvements thereon)), as ((defined)) described in RCW 6.12.010, regardless of area, but ((not exceeding in)) the homestead exemption amount shall not exceed the lesser of (i) the total net value((-)) of ((both)) the lands ((and)), mobile home, and improvements as described in RCW 6.12.010, or (ii) the sum of ((twenty-five)) thirty thousand dollars. ((The premises thus included in the homestead must be actually intended or used as a home for the owner, and shall not be devoted exclusively to any other purpose.))

Sec. 204. Section 9, chapter 329, Laws of 1981 and RCW 6.12.045 are each amended to read as follows:

(1) ((The homestead exemption described in RCW 6.12.050 applies automatically to the homestead as defined in RCW 6.12.010 if the occupancy requirement of RCW 6.12.050 is met. However, the homestead exemption does not apply to those judgments defined in RCW 6.12.100)) Property described in RCW 6.12.010 constitutes a homestead and is automatically protected by the exemption described in RCW 6.12.090 from and after the time the property is occupied as a principal residence by the owner or, if the homestead is unimproved or improved land that is not yet occupied as a homestead, from and after the declaration or declarations required by the following subsections are filed for record or, if the homestead is a mobile home not yet occupied as a homestead and located on land not owned by the owner of the mobile home, from and after delivery of a declaration as prescribed in RCW 6.16.090(3)(c).

(2) ((If)) An owner ((elects to)) who selects ((the)) a homestead from unimproved or improved land ((purchased with the intention of residing thereon, the owner)) that is not yet occupied as a homestead must execute a declaration of homestead and file the same for record in the office of the recording officer in the county in which the land is located. However, if the owner also owns another parcel of property on which the owner presently resides or in which the owner claims a homestead, the owner must also execute a declaration of abandonment of homestead on ((the)) that other property ((on which the owner presently resides,)) and file the same for record with the recording officer in the county in which the land is located.

(3) The declaration of homestead must contain:

(a) A statement that the person making it is residing on the premises or ((has purchased the same for a homestead and)) intends to reside thereon and claims them as a homestead;

(b) A legal description of the premises; and

(c) An estimate of their actual cash value.

(4) The declaration of abandonment must contain:

(a) A statement that premises occupied as a residence or claimed as a homestead no longer constitute the owner's homestead;

(b) A legal description of the premises; and

(c) A statement of the date of abandonment.

(5) The declaration of homestead and declaration of abandonment of homestead must be acknowledged in the same manner as a grant of real property is acknowledged.

Sec. 205. Section 7, chapter 64, Laws of 1895 as amended by section 14, chapter 329, Laws of 1981 and RCW 6.12.120 are each amended to read as follows:

A homestead is presumed abandoned if the owner vacates the property for a continuous period of at least six months. However, if an owner is going to be absent from the homestead for more than six months but does not intend to abandon the homestead, and has no other ((permanent)) principal residence, the owner may execute and acknowledge, in the same manner as a grant of real property is acknowledged, a declaration of nonabandonment of homestead and file the declaration for record in the office of the recording officer of the county in which the property is situated.

The declaration of nonabandonment of homestead must contain:

(1) A statement that the owner claims the property as a homestead, that the owner intends to occupy the property in the future, and that the owner claims no other property as a homestead;

(2) A statement of where the owner will be residing while absent from the ((premises)) homestead property, the estimated duration of the owner's absence, and the reason for the absence; and

(3) A legal description of the ((premises)) homestead property.

Sec. 206. Section 6, chapter 64, Laws of 1895 as amended by section 1, chapter 251, Laws of 1983 and RCW 6.12.110 are each amended to read as follows:

The homestead of a married person cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both husband and wife, except that a husband or a wife or both jointly may make and execute powers of attorney for the conveyance or encumbrance of the homestead.

Sec. 207. Section 4, chapter 64, Laws of 1895 as last amended by section 13, chapter 329, Laws of 1981 and RCW 6.12.090 are each amended to read as follows:

(1) Except as provided in RCW 6.12.100, the homestead is exempt from attachment and from execution or forced sale((, except as in this chapter provided; and)) for the debts of the owner up to the amount specified in RCW 6.12.050. The proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, and proceeds from insurance covering destruction of homestead property held for use in



restoring or replacing the homestead property, up to the amount specified in RCW 6.12.050, shall likewise be exempt for one year from receipt, and also such new homestead acquired with such proceeds.

(2) Every homestead created under this chapter is presumed to be valid to the extent of all the ~~((lands))~~ property claimed exempt, until the validity thereof is contested in a court of general jurisdiction in the county or district in which the homestead is situated.

Sec. 208. Section 1, chapter 10, Laws of 1982 as amended by section 16, chapter 260, Laws of 1984 and RCW 6.12.100 are each amended to read as follows:

The homestead exemption is ~~((subject to))~~ not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, materialmen's or vendor's liens upon the premises;

(2) On debts secured by purchase money security agreements describing as collateral ~~((a))~~ the mobile home ~~((located on the premises))~~ that is claimed as a homestead or by mortgages or deeds of trust on the premises, executed and acknowledged by the husband and wife or by any unmarried claimant;

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, ~~((including as a joint case under 11 U.S.C. Sec. 302))~~ other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse exempts property from property of the estate under the ~~((federal))~~ bankruptcy exemption provisions of 11 U.S.C. Sec. ((522(b)(1))) 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance.

Sec. 209. Section 30, chapter 260, Laws of 1984 and RCW 6.12.105 are each amended to read as follows:

~~((When a homestead declaration occurs before a judgment, the judgment creditor has))~~ A judgment against the owner of a homestead shall become a lien on the value of the homestead property in excess of the homestead exemption~~((This lien commences when))~~ from the time the judgment creditor records the judgment with the ~~((auditor))~~ recording officer of the county where the property is located.

Sec. 210. Section 9, chapter 64, Laws of 1895 and RCW 6.12.140 are each amended to read as follows:

When ~~((the))~~ execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 is levied upon the homestead, the judgment creditor ~~((may))~~ shall apply to the superior

court of the county in which the homestead is situated for the appointment of a person((s)) to appraise the value thereof.

Sec. 211. Section 10, chapter 64, Laws of 1895 as amended by section 15, chapter 329, Laws of 1981 and RCW 6.12.150 are each amended to read as follows:

The application under RCW 6.12.140 must be made ((upon)) by filing a verified petition, showing((=)):

(1) The fact that an execution has been levied upon the homestead.

(2) The name of the owner of the homestead property.

(3) That the net value of the homestead exceeds the amount of the homestead exemption.

Sec. 212. Section 12, chapter 64, Laws of 1895 as amended by section 16, chapter 329, Laws of 1981 and RCW 6.12.170 are each amended to read as follows:

A copy of the petition, with a notice of the time and place of hearing, must be served upon the owner and the owner's attorney of record, if any, at least ten days before the hearing.

Sec. 213. Section 13, chapter 64, Laws of 1895 as amended by section 1, chapter 118, Laws of 1984 and RCW 6.12.180 are each amended to read as follows:

At the hearing, the judge may, upon the proof of the service of a copy of the petition and notice and of the facts stated in the petition, appoint a disinterested qualified person of the county to appraise the value of the homestead.

Sec. 214. Section 14, chapter 64, Laws of 1895 and RCW 6.12.190 are each amended to read as follows:

The person((s)) appointed, before entering upon the performance of ((their)) duties, must take an oath to faithfully perform the same. The appraiser must view the premises and appraise the market value thereof and, if the appraised value, less all liens and encumbrances, exceeds the homestead exemption, must determine whether the land claimed can be divided without material injury. Within fifteen days after appointment, the appraiser must make to the court a report in writing, which report must show the appraised value, less liens and encumbrances, and, if necessary, the determination whether or not the land can be divided without material injury and without violation of any governmental restriction.

Sec. 215. Section 17, chapter 64, Laws of 1895 as amended by section 17, chapter 329, Laws of 1981 and RCW 6.12.220 are each amended to read as follows:

If, from the report, it appears to the court that the value of the homestead, less liens and encumbrances, exceeds the homestead exemption and the property can be divided without material injury and without violation of any governmental restriction, the court ((must)) may, by an order, direct

the appraiser(s) to set off to the owner so much of the land, including the residence, as will amount in net value to the homestead exemption, and the execution may be enforced against the remainder of the land.

Sec. 216. Section 18, chapter 64, Laws of 1895 as amended by section 18, chapter 329, Laws of 1981 and RCW 6.12.230 are each amended to read as follows:

If, from the report, it appears to the court that the ~~((homestead exceeds in))~~ appraised value of the homestead property, less liens and encumbrances, exceeds the amount of the homestead exemption and ((that it cannot be)) the property is not divided, the court must make an order directing its sale under the execution. The order shall direct that at such sale no bid may be received unless it exceeds the amount of the homestead exemption.

Sec. 217. Section 20, chapter 64, Laws of 1895 as amended by section 19, chapter 329, Laws of 1981 and RCW 6.12.250 are each amended to read as follows:

If the sale is made, the proceeds must be applied in the following order: First, to the amount of the homestead exemption, to be paid to the judgment debtor; second, up to the amount of the execution, to be applied to the satisfaction of the execution; third, the balance to be paid to the judgment debtor.

Sec. 218. Section 21, chapter 64, Laws of 1895 as last amended by section 20, chapter 329, Laws of 1981 and RCW 6.12.260 are each amended to read as follows:

The money paid to the owner is entitled to the same protection against legal process and the voluntary disposition of the husband or wife which the law gives to the homestead.

Sec. 219. Section 22, chapter 64, Laws of 1895 as amended by section 2, chapter 118, Laws of 1984 and RCW 6.12.270 are each amended to read as follows:

The court shall determine a reasonable compensation for the appraiser.

Sec. 220. Section 23, chapter 64, Laws of 1895 and RCW 6.12.280 are each amended to read as follows:

The execution creditor must pay the costs of these proceedings in the first instance; but in the cases provided for in RCW 6.12.220 and 6.12.230 the amount so paid must be added as costs on execution, and collected accordingly.

Sec. 221. Section 26, chapter 64, Laws of 1895 as amended by section 4, chapter 80, Laws of 1977 ex. sess. and RCW 6.12.300 are each amended to read as follows:

In case of a homestead, if either the husband or wife shall be or become incompetent or disabled to such a degree that he or she is unable to assist in the management of his or her interest in the marital property and

no guardian has been appointed, upon application of the (~~((husband or wife not so incompetent or disabled))~~) other spouse to the superior court of the county in which the homestead is situated, and upon due proof of such incompetency or disability in the severity required above, the court may make an order permitting the husband or wife applying to the court to sell and convey or mortgage such homestead.

Sec. 222. Section 27, chapter 64, Laws of 1895 as amended by section 5, chapter 80, Laws of 1977 ex. sess. and RCW 6.12.310 are each amended to read as follows:

Notice of the application for such order shall be given by publication of the same in a newspaper published in the county in which such homestead is situated, if there be a newspaper published therein, once each week for three successive weeks prior to the hearing of such application, and a copy of such notice shall be served upon the alleged incompetent husband or wife personally, and upon the nearest relative of such incompetent or disabled husband or wife other than the applicant, resident in this state, at least three weeks prior to such application being heard, and in case there be no such relative known to the applicant, a copy of such notice shall be served upon the prosecuting attorney of the county in which such homestead is situated; and it is hereby made the duty of such prosecuting attorney, upon being served with a copy of such notice, to appear in court and see that such application is made in good faith, and that the proceedings thereon are fairly conducted.

Sec. 223. Section 28, chapter 64, Laws of 1895 as amended by section 6, chapter 80, Laws of 1977 ex. sess. and RCW 6.12.320 are each amended to read as follows:

Thirty days before the hearing of any application under the provisions of this chapter, the applicant shall present and file in the court in which such application is to be heard a petition for the order mentioned, subscribed and sworn to by the applicant, setting forth the name and age of the alleged incompetent or disabled husband or wife; a description of the premises constituting the homestead; the value of the same; the county in which it is situated; such facts necessary to show that the nonpetitioning husband or wife is incompetent or disabled to the degree required under RCW 6.12.300; and such additional facts relating to the circumstances and necessities of the applicant and his or her family as he or she may rely upon in support of the petition.

Sec. 224. Section 29, chapter 64, Laws of 1895 and RCW 6.12.330 are each amended to read as follows:

If the court shall make the order provided for in RCW 6.12.300, the same shall be entered upon the minutes of the court, and thereafter any sale, conveyance (~~((for))~~), or mortgage made in pursuance of such order shall be as valid and effectual as if the property affected thereby was the

absolute property of the person making such sale, conveyance, or mortgage in fee simple.

NEW SECTION. Sec. 225. The following acts or parts of acts are each repealed:

- (1) Section 32, chapter 64, Laws of 1895, section 11, chapter 329, Laws of 1981 and RCW 6.12.070;
- (2) Section 33, chapter 64, Laws of 1895, section 12, chapter 329, Laws of 1981 and RCW 6.12.080;
- (3) Section 11, chapter 64, Laws of 1895 and RCW 6.12.160;
- (4) Section 15, chapter 64, Laws of 1895 and RCW 6.12.200;
- (5) Section 16, chapter 64, Laws of 1895 and RCW 6.12.210; and
- (6) Section 19, chapter 64, Laws of 1895 and RCW 6.12.240.

### PART III PERSONAL EXEMPTIONS

Sec. 301. Section 253, page 178, Laws of 1854 as last amended by section 8, chapter 45, Laws of 1983 1st ex. sess. and RCW 6.16.020 are each amended to read as follows:

Except as provided in RCW 6.16.080, the following personal property shall be exempt from execution ((and)), attachment, ((except as hereinafter specially provided)) and garnishment:

(1) All wearing apparel of every ~~((person))~~ individual and family, but not to exceed seven hundred fifty dollars in value in furs, jewelry, and personal ornaments for any ~~((person))~~ individual.

(2) All private libraries of every individual, but not to exceed one thousand dollars in value, and all family pictures and keepsakes.

(3) To each ~~((person or family))~~ individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community:

(a) The ~~((person's or family's))~~ individual's or community's household goods, appliances, furniture, and home and yard equipment, not to exceed one thousand five hundred dollars in value;

(b) Provisions and fuel for the comfortable maintenance of ~~((such person or family))~~ the individual or community for three months; ((and))

(c) Other property, except personal earnings as provided under RCW 6.16.090(1), not to exceed five hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities((-)); and

~~((4))~~ To any person or family; (d) One motor vehicle which is used for personal transportation, not to exceed one thousand two hundred dollars in value.

~~((5))~~ To each qualified individual, one of the following exemptions:

(a) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed three thousand dollars in value((-));

~~((6))~~ (b) To a physician, surgeon, attorney, clergyman, or other professional person, the ~~((person's))~~ individual's library, office furniture, office equipment and supplies, not to exceed three thousand dollars in value~~(-)~~;

~~((7))~~ (c) To any other ~~((person))~~ individual, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed three thousand dollars in value.

~~((The property referred to in the foregoing subsection (3) shall be selected by any adult member of the family on behalf of the family or the person, if present, and in case no adult member of the family or person is present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).))~~

~~For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.~~

~~Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.~~

~~No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property:))~~

For purposes of this section, "value" means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances thereon.

Sec. 302. Section 1, page 88, Laws of 1890 and RCW 6.16.030 are each amended to read as follows:

Unless otherwise provided by federal law, any money received by any citizen of the state of Washington as a pension from the government of the United States, whether the same be in the actual possession of such person or be deposited or loaned ((by him)), shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever, and when a debtor dies, or absconds, and leaves his or her family any money exempted by this section, the same shall be exempt to the family as provided in this section.

Sec. 303. Section 1, chapter 76, Laws of 1895 and RCW 6.16.050 are each amended to read as follows:

~~((That whenever))~~ If property, which by the laws of this state is exempt from execution ((or)), attachment, or garnishment, is insured and the same is lost, stolen, or destroyed ((by fire)), then the insurance money coming to or belonging to the person thus insured, to an amount equal to the exempt property thus destroyed, shall be exempt from execution ((and)), attachment, and garnishment.

Sec. 304. Section 252, page 178, Laws of 1854 as last amended by section 14, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.070 are each amended to read as follows:

All real and personal ~~((estate))~~ property belonging to any married person at the time of his or her marriage, and all which he or she may have acquired subsequently to such marriage, or to which he or she shall hereafter become entitled in his or her own right, and all his or her personal earnings, and all the issues, rents and profits of such real ~~((estate))~~ property, shall be exempt from ~~((attachment and))~~ execution, attachment, and garnishment upon any liability or judgment against the other spouse, so long as he or she or any minor heir of his or her body shall be living: PROVIDED, That the separate property of each spouse shall be liable for debts owing by him or her at the time of marriage.

Sec. 305. Section 344, page 88, Laws of 1869 as last amended by section 2, chapter 149, Laws of 1981 and RCW 6.16.080 are each amended to read as follows:

(1) Wages, salary, or other compensation regularly paid for personal services rendered by the debtor claiming the exemption shall not be claimed as exempt under RCW 6.16.020, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

(2) No property may be exempt under RCW 6.16.020 from execution, attachment, or garnishment issued upon a judgment for all or any part of the purchase price of the property.

(3) No property may be exempt under RCW 6.16.020 from legal process issued upon a judgment for any tax levied upon such property.

(4) Nothing in this chapter shall be so construed as to prevent ~~((the mortgaging of))~~ a debtor from creating a security interest in personal property which might be claimed as exempt, or the enforcement of such ~~((mortgage, nor to prevent the waiver of the right of exemption by failure to claim the same prior to sale under execution, and nothing in this chapter shall be construed to exempt from attachment or execution the personal property of a nonresident of this state, or a person who has left or is about to leave the state with the intention to defraud his creditors, or))~~ security interest against the property.

(5) Nothing in this chapter shall be construed to exempt personal property of a nonresident of this state or of an individual who has left or is about to leave this state with the intention to defraud his or her creditors.

(6) Personal property exemptions are waived by failure to claim them prior to sale of exemptible property under execution or, in a garnishment proceeding, within the time specified in section 1016 of this 1987 act.

(7) Personal property exemptions may not be claimed by one spouse in a bankruptcy ((proceeding where (1))) case that is not a joint case or a joint administration of the estate with the bankruptcy estate of the other spouse where (a) bankruptcy is filed by both spouses within a six-month period, ((including as a joint case under 11 U.S.C. Sec. 302, and (2) the other)) and (b) one spouse exempts property from property of the estate under the ((federal)) bankruptcy exemption provisions of 11 U.S.C. Sec. ((522(b)(1))) 522(d).

Sec. 306. Section 346, page 88, Laws of 1869 as last amended by section 15, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.090 are each amended to read as follows:

((As used in this section the masculine shall apply also to the feminine.

When)) (1) Except as provided in subsection (2) of this section, property claimed exempt under RCW 6.16.020 shall be selected by the individual entitled to the exemption, or by the husband or wife entitled to a community exemption, in the manner described in subsection (3) of this section.

(2) If, at the time of seizure under execution or attachment of property exemptible under RCW 6.16.020(3) (a), (b), or (c), the individual or the husband or wife entitled to claim the exemption is not present, then the sheriff or deputy shall make a selection equal in value to the applicable exemptions and, if no appraisal is required as permitted under subsection (4) of this section, the officer shall return the same as exempt by inventory. Any selection made as provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions.

(3)(a) A debtor who claims personal property as exempt ((he)) against execution or attachment shall, at any time before sale, deliver to the officer making the levy a list by separate items of the property claimed as exempt, together with an itemized list of all the personal property owned or claimed by ((him)) the debtor, including money, bonds, bills, notes, claims and demands, with the residence of the person indebted upon the said bonds, bills, notes, claims and demands, and shall verify such list by affidavit. ((He shall also deliver to such officer a list by separate items of the property he claims as exempt:)) The officer shall immediately advise the creditor, attorney, or



agent of the exemption claim and, if no appraisal is required as permitted under subsection (4) of this section, the officer shall return with the process the list of property claimed as exempt.

(b) A debtor who claims personal property exempt against garnishment shall proceed as provided in section 1016 of this 1987 act.

(c) A debtor who claims as a homestead, under chapter 6.12 RCW, a mobile home that is not yet occupied as a homestead and that is located on land not owned by the debtor shall claim the homestead as against a specific levy by delivering to the sheriff who levied on the mobile home, before sale under the levy, a declaration of homestead that contains (i) a declaration that the debtor owns the mobile home, intends to reside therein, and claims it as a homestead, and (ii) a description of the mobile home, a statement where it is located or was located before the levy, and an estimate of its actual cash value.

(4)(a) Except as provided in (b) of this subsection, a creditor, or the agent or attorney of a creditor, who wishes to object to a claim of exemption shall proceed as provided in section 1016 of this 1987 act.

(b) A creditor, or the agent or attorney of the creditor, who wishes to object to a claim of exemption made to a levying officer, on the ground that the property claimed exceeds exemptible value, may demand appraisal. In the absence of such demand within seven days following the officer's giving of notice of the claim, the officer shall release to the debtor the property claimed as exempt. If the creditor, ((his)) or the agent or attorney of the creditor, demands an appraisal ((thereof, two disinterested householders of the neighborhood)), two persons shall be chosen to appraise the property, one by the debtor and the other by the creditor, ((his)) agent or attorney, and these two, if they cannot agree, shall select a third; but if either party fails to choose an appraiser, or the two fail to select a third, or if one or more of the appraisers fail to act, the ((officer)) court shall appoint one or more as the circumstances require. The appraisers shall forthwith proceed to make a list by separate items, of the personal property selected by the debtor as exempt, which they shall decide as exempt, stating the value of each article, and annexing to the list their affidavit to the following effect: "We solemnly swear that to the best of our judgment the above is a fair cash valuation of the property therein described," which affidavit shall be signed by two appraisers at least, and be certified by the officer administering the oaths. The list shall be delivered to the officer holding the execution or ((other process)) attachment and be ((by him)) annexed to and made part of ((his)) the return, and the property therein specified shall be exempt from levy and sale, ((and)) but the other personal estate of the debtor shall remain subject ((thereto)) to execution, attachment, or garnishment. ((In case no appraisal be required the officer shall return with the process the list of the property claimed as exempt by the debtor. The appraisers)) Each appraiser shall ((each)) be entitled to ((one)) fifteen dollars or such

larger fee as shall be fixed by the court, to be paid by the creditor(;) if all the property claimed by the debtor shall be exempt; otherwise to be paid by the debtor.

NEW SECTION. Sec. 307. If from an appraisal it appears that the value of the property claimed exempt, exclusive of liens and encumbrances, exceeds the exemptible value and the property is indivisible, the property shall be put up for sale on execution, but at the sale no bid may be received unless it exceeds the exempt value. The proceeds of a sale in excess of the exempt value shall be paid, first, to the debtor to the extent of the exempt amount; second, up to the amount of the execution, to the satisfaction of the execution; third, the balance to be paid to the debtor. A judgment creditor who is the successful bidder at the sale must pay the exempt amount in cash.

NEW SECTION. Sec. 308. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 57, Laws of 1897, section 6, chapter 292, Laws of 1971 ex. sess., section 12, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.010; and

(2) Section 2, page 89, Laws of 1890 and RCW 6.16.040.

#### PART IV EXECUTIONS

NEW SECTION. Sec. 401. Unless otherwise expressly provided, all provisions of this chapter governing execution against personal property apply to proceedings before district courts of this state, but the district courts shall not have power to issue writs of execution against real property or any interest in real property or against a vendor's interest in a real estate contract.

Sec. 402. Section 2, chapter 25, Laws of 1929 as last amended by section 4, chapter 105, Laws of 1980 and RCW 6.04.010 are each amended to read as follows:

The party in whose favor a judgment of a court of record of this state or a district court of this state has been(;) or may ((hereafter)) be(;) rendered, or ((his)) the assignee, may have an execution issued for the collection or enforcement of the ((same,)) judgment at any time within ten years from ((the rendition thereof)) entry of the judgment.

Sec. 403. Section 7, chapter 25, Laws of 1929 as amended by section 2, chapter 8, Laws of 1957 and RCW 6.04.070 are each amended to read as follows:

~~((In all cases in which))~~ When a judgment ((heretofore or hereafter)) recovered in any court of this state(;) has been ((or shall be)) assigned ~~((to any person))~~, execution may issue in the name of the assignee((upon))

after the assignment (~~((being))~~) has been recorded in the execution docket(~~(;)~~) by the clerk of the court in which the judgment (~~((is))~~) was recovered(~~(, and in all cases in which a judgment has been or shall be recovered in any such court, and))~~). When the person in whose name execution might have issued(~~(;)~~) has died (~~((or shall die))~~), execution may issue in the name of the executor, administrator or legal representative of such deceased person(~~(, upon))~~) after letters testamentary or of administration(~~(;)~~) or other sufficient proof (~~((being))~~) has been filed in (~~((said))~~) the cause and (~~((minuted upon))~~) recorded in the execution docket(~~(;)~~) by the clerk of the court in which (~~((said))~~) the judgment (~~((is))~~) was entered(~~(, and upon an order of said court or the judge thereof, which may be made on an ex parte application))~~).

**NEW SECTION.** Sec. 404. In addition to any stay of execution provided by court rule, stay of execution shall be allowed on judgments of the courts of this state for the following periods upon the judgment debtor filing with the clerk of the court in which the judgment was entered a bond in double the amount of the judgment and costs, with surety to the satisfaction of the clerk, conditioned to pay the judgment, interests, costs, and increased costs, at the expiration of the stay period. If execution is issued before elapse of the stay period, the judgment debtor may nevertheless stay execution for the balance of the period by filing the required bond.

(1) In the supreme court and the court of appeals, the period of stay, measured from date of entry of judgment, shall be:

(a) On all sums under five thousand dollars, thirty days;

(b) On all sums over five and under fifteen thousand dollars, sixty days;  
and

(c) On all sums over fifteen thousand dollars, ninety days.

(2) On judgments rendered in the superior court or a district court of this state, the period of stay shall be:

(a) On all sums under three thousand dollars, two months;

(b) On all sums over three thousand and under ten thousand dollars, five months; and

(c) On all sums over ten thousand dollars, six months.

**NEW SECTION.** Sec. 405. If execution of a judgment is stayed as permitted by section 404 of this act and the judgment is not satisfied at expiration of the stay period, at any time thereafter the judgment creditor may, upon motion supported by an affidavit that the judgment or any part of it is unpaid and stating how much still remains due, have judgment against the surety on the bond for the balance remaining due, and have an execution on the judgment against the surety, on which stay shall not be allowed.

Sec. 406. Section 3, chapter 25, Laws of 1929 and RCW 6.04.020 are each amended to read as follows:

There shall be three kinds of executions(~~(; one)~~): First, against the property of the judgment debtor(~~(; the)~~); second, for the delivery of the possession of real or personal property(~~(;)~~) or such delivery with damages for withholding the same(~~(;)~~); and ~~((the))~~ third, commanding the enforcement of or obedience to any ~~((special))~~ other order of the court(~~(; and)~~). In all cases there shall be an order to collect the costs.

Sec. 407. Section 1, chapter 25, Laws of 1929 as amended by section 1, chapter 8, Laws of 1957 and RCW 6.04.030 are each amended to read as follows:

When any judgment of a court ~~((of record))~~ of this state requires the payment of money(~~(;)~~) or the delivery of real or personal property, ~~((the same))~~ it may be enforced ~~((in those respects))~~ by execution. When ~~((it))~~ a judgment of a court of record requires the performance of any other act, a certified copy of the judgment may be served on the party against whom it is given(~~(;)~~) or the person or officer who is required ~~((thereby;))~~ by the judgment or by law(~~(;)~~) to obey the same, and a writ ~~((shall))~~ may be issued commanding ~~((him))~~ the person or officer to obey or enforce the ~~((same))~~ judgment. ~~((If he refuses, he))~~ Refusal to do so may be punished by the court as for contempt.

Sec. 408. Section 604, page 154, Laws of 1869 as last amended by section 664, Code of 1881 and RCW 6.04.140 are each amended to read as follows:

~~((f))~~ No execution may issue for collection of a judgment ((be given)) for the recovery of money or damages against ((such)) a county or other public corporation((; no execution shall issue thereon for the collection of such money or damages, but such judgment in such respect shall be satisfied)). Any such judgment may be enforced as follows:

(1) ~~((party in whose favor such judgment is given))~~ judgment creditor may at any time ~~((thereafter;))~~ when execution might issue on a like judgment against a private person, ~~((present a certified transcript of the docket thereof to the officer of such county or other public corporation who is authorized to draw orders on the treasury thereof))~~ and after acknowledging satisfaction of the judgment as in ordinary cases, obtain from the clerk a certified transcript of the judgment. The clerk shall include in the transcript a copy of the memorandum of acknowledgment of satisfaction and the entry thereof as the basis for an order on the treasurer for payment. Unless the transcript contains such memorandum, no order upon the treasurer shall issue thereon.

(2) ~~((On the presentation of such transcript such))~~ The judgment creditor shall present the certified transcript showing satisfaction of the judgment to the officer of the county or other public corporation who is authorized to draw orders on its treasury.

(3) The officer shall draw an order on ((such)) the treasurer for the amount of the judgment, in favor of the ((party for whom the same was

given. Thereafter such)) judgment creditor. The order shall be presented for payment and paid with like effect and in like manner as other orders upon the treasurer ~~((of such county or other public corporation.~~

~~(3) The certified transcript herein provided for shall not be furnished by the clerk unless at the time an execution might issue on such judgment if the same were against a private person, nor until satisfaction of the same judgment in respect to such money or damages be acknowledged as in ordinary cases. The clerk shall include in the transcript the memorandum of such acknowledgment of satisfaction and the entry thereof. Unless the transcript contain such memorandum, no order upon the treasurer shall issue thereon)). If the proper officer of the county or other public corporation fails or refuses to draw the order for payment of the judgment as provided in this section, a writ of mandamus may be issued in the original case to compel performance of the duty.~~

Sec. 409. Section 6, chapter 25, Laws of 1929 and RCW 6.04.060 are each amended to read as follows:

All property, real and personal, of the judgment debtor(;) that is not exempted by law(; ~~shall be~~) is liable to execution.

Sec. 410. Section 4, chapter 329, Laws of 1981 and RCW 6.04.035 are each amended to read as follows:

(1) Before a writ of execution may issue on any real property, the judgment creditor must file with the court an affidavit ~~((with the court stating:~~

(a) ~~That the judgment creditor has exercised due diligence to ascertain if the judgment debtor has sufficient nonexempt personal property to satisfy the judgment with interest, a list of the personal property so located and whether the judgment creditor believes the items to be exempt, and a statement that, after diligent search, there is not sufficient nonexempt personal property belonging to the judgment debtor to satisfy the judgment;~~

~~(b) That the judgment creditor has exercised due diligence in ascertaining whether the property is occupied or claimed as a homestead by the judgment debtor, as defined in chapter 6.12 RCW;~~

~~(c) Whether or not the judgment debtor is currently occupying the property as the judgment debtor's permanent residence and whether there is a declaration of homestead or nonabandonment of record. If the affidavit alleges that the property is not occupied or claimed as a homestead, the creditor must list the facts relied upon to reach that conclusion; and~~

~~(d) If the judgment debtor is not occupying the property and there is no declaration of nonabandonment of record, that the judgment debtor has been absent for a period of at least six months and the judgment debtor's current address if known)) as described in subsection (4) of this section and must mail a copy of the affidavit to the judgment debtor at the debtor's last known address.~~

(2) If the affidavit attests that the premises are occupied or otherwise claimed as a homestead by the judgment debtor, the execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 must comply with RCW 6.12.140 through 6.12.250.

(3) The term "due diligence," as used in subsection (4) of this section, includes but is not limited to the creditor or the creditor's representative personally visiting the premises, contacting the occupants and inquiring about their relationship to the judgment debtor, contacting immediate neighbors of the premises, and searching the records of the auditor of the county in which the property is located to determine if a declaration of homestead or nonabandonment has been ((filed)) recorded by the judgment debtor. ((A copy of the affidavit must be mailed to the judgment debtor at the debtor's last known address.

~~If the affidavit attests that the premises are occupied or claimed as a homestead by the judgment debtor, the execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 must comply with RCW 6.12.140 through 6.12.250;))~~ (4) The affidavit required by this section shall include:

(a) A statement that the judgment creditor has exercised due diligence to ascertain whether the judgment debtor has sufficient nonexempt personal property to satisfy the judgment with interest and believes that there is not sufficient nonexempt personal property belonging to the judgment debtor to so satisfy the judgment. A list of personal property located shall be attached with an indication of any items that the judgment creditor believes to be exempt.

(b) A statement that the judgment creditor has exercised due diligence to ascertain whether the property is occupied or otherwise claimed by the judgment debtor as a homestead as defined in chapter 6.12 RCW.

(c) A statement based on belief whether the judgment debtor is currently occupying the property as the judgment debtor's principal residence and whether there is a declaration of homestead or nonabandonment of record. If the affidavit alleges that the property is not occupied or claimed as a homestead, the creditor must list the facts relied upon to reach that conclusion.

(d) If the judgment debtor is not occupying the property and there is no declaration of nonabandonment of record, a statement based on belief whether the judgment debtor has been absent for a period of at least six months, with facts relied upon to reach that conclusion, and, if known, the judgment debtor's current address.

Sec. 411. Section 4, chapter 25, Laws of 1929 as amended by section 5, chapter 329, Laws of 1981 and RCW 6.04.040 are each amended to read as follows:

(1) The writ of execution shall be issued in the name of the state of Washington, sealed with the seal of the court, and subscribed by the clerk

of the court in which the judgment was entered, and shall be directed to the sheriff of the county in which the property is situated (~~(; or to the coroner of such county, or the officer exercising the powers and performing the duties of coroner in case there be no coroner, when the sheriff is a party, or interested, and)~~). The writ shall intelligibly refer to the judgment, stating the court, the county where the judgment was rendered, the names of the parties, the amount of the judgment if it be for money, and the amount actually due thereon(~~(;)~~); and if the judgment has been recorded, the writ shall so indicate and shall state the recording number.

(2) Before an execution is delivered on a judgment of a district court of this state, the amount of the judgment, or damages and costs, and the fees due to each person separately shall be entered in the docket and on the back of the execution. In any proceeding to enforce a judgment certified to a district court from the small claims department under RCW 12.40.110, the execution shall include the amount of the judgment owed plus reasonable costs and reasonable attorneys' fees incurred by the judgment creditor in seeking enforcement of the judgment in district court.

(3) A writ shall require substantially as follows:

((~~(1)~~)) (a) If the execution ((~~be~~)) is against the property of the judgment debtor, it shall require the officer to satisfy the judgment(~~(; with interest;)~~) out of the personal property of the debtor unless an affidavit has been filed with the court pursuant to RCW 6.04.035, in which case it shall require that the judgment(~~(; with interest;)~~) be satisfied out of the real property of the debtor.

((~~(2)~~)) (b) If the execution ((~~be~~)) is against real or personal property in the hands of a personal representative(~~(s)~~), heir(~~(s)~~), devisee(~~(s)~~), legatee(~~(s)~~), tenant(~~(s)~~) of real property, or trustee(~~(s)~~), it shall require the officer to satisfy the judgment(~~(; with interest;)~~) out of such property.

((~~(3)~~)) (c) If the execution ((~~be~~)) is for the delivery of real or personal property, it shall particularly describe the property and state its value and require the officer to deliver possession of ((the same, particularly describing it;)) it to the party entitled thereto, and may, at the same time, require the officer to satisfy any charges, damages, or rents and profits recovered by the same judgment, out of the personal property of the party against whom it was rendered(~~(; and the value of the property for which the judgment was recovered, shall be specified therein)~~). If ((a delivery of)) the property described in the execution cannot be ((had)) delivered, and if sufficient personal property cannot be found to satisfy the judgment, it shall be satisfied out of the real property of the party against whom the judgment was rendered.

((~~(4)~~ ~~When~~ )) (d) If the execution is to enforce obedience to any ((special)) order, it shall particularly command what is required to be done or to be omitted.

~~((5) When)~~ (e) If the nature of the case ((shall)) requires it, the execution may embrace ((one)) two or more of the requirements ((above mentioned. And)) of this section.

(f) In all cases the execution shall require the collection of all interest, costs, and increased costs thereon.

Sec. 412. Section 5, chapter 25, Laws of 1929 as amended by section 1, chapter 45, Laws of 1983 1st ex. sess. and RCW 6.04.050 are each amended to read as follows:

The sheriff or other officer shall indorse upon the writ of execution ~~((the time when he received the same))~~ in ink, the day, hour, and minute when the writ first came into his or her hands, and the execution shall be ((returnable)) returned with a report of proceedings under the writ within sixty days after its date to the clerk who issued it. ((No sheriff or other officer shall retain any moneys collected on execution, more than twenty days before paying the same to the clerk of the court who issued the writ, under penalty of twenty percent on the amount collected, to be paid by the sheriff or other officer, one half to the party to whom the judgment is payable, and the other half to the county treasurer of the county wherein the action was brought, for the use of the school fund of said county. The clerk shall notify the party to whom the same is payable, and pay over the amount to the party as provided for by court order.)) When there are several writs of execution or of execution and attachment against the same debtor, they shall be executed in the order in which they were received by the sheriff.

Sec. 413. Section 351, page 91, Laws of 1869 as last amended by section 7, chapter 276, Laws of 1984 and RCW 6.04.100 are each amended to read as follows:

When the writ of execution is against the property of the judgment debtor, the sheriff shall set the date of sale and serve on the debtor, in the same manner as service of a summons in a civil action, or cause to be transmitted by both regular mail and certified mail, return receipt requested, a copy of the writ, together with copies of RCW 6.12.010, 6.12.045, 6.12.050, 6.16.020, and 6.16.090~~((, each as now existing or hereafter amended))~~, and shall at the time of service, or with the mailing, notify the judgment debtor of the date of sale~~((, and shall execute the writ as follows:~~

~~(1) If property has been attached, he shall indorse on the execution, and pay to the clerk forthwith the amount of the proceeds of sales of perishable property or debts due the defendant received by him, sufficient to satisfy the judgment:~~

~~(2) If the judgment is not then satisfied, and property has been attached and remains in his custody, he shall sell the same, or sufficient thereof to satisfy the judgment:~~

~~(3) If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, he shall levy on the property of the judgment debtor, sufficient to satisfy the judgment:~~



~~(4) Property shall be levied on in like manner and with like effect as similar property is attached:~~

~~(5) Until a levy, personal property shall not be affected by the execution. When property has been sold or debts received by the sheriff on execution, he shall pay the proceeds thereof, or sufficient to satisfy the judgment, as commanded in the writ:~~

~~(6) When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the execution may be levied on other property of the judgment debtor without delay. If after satisfying the judgment any property, or the proceeds thereof, remain in the custody of the sheriff, he shall deliver the same to the judgment debtor)). If service on the judgment debtor must be effected by publication, only the following notice need be published under the caption of the case:~~

To . . . . ., Judgment Debtor:

A writ of execution has been issued in the above-captioned case, directed to the sheriff of . . . . . county, commanding the sheriff as follows:

"WHEREAS, ... [Quoting body of writ of execution]."

The sale date has been set for . . . . . YOU MAY HAVE A RIGHT TO EXEMPT PROPERTY from the sale under statutes of this state, including sections 6.12.010, 6.12.045, 6.12.050, 6.16.020, and 6.16.090 of the Revised Code of Washington, in the manner described in those statutes.

NEW SECTION. Sec. 414. The sheriff shall, at a time as near before or after service on the judgment debtor as is possible, execute the writ as follows:

(1) If property has been attached, the sheriff shall indorse on the execution, and pay to the clerk forthwith, if he or she has not already done so, the amount of the proceeds of sales of perishable property or debts due the defendant previously received, sufficient to satisfy the judgment.

(2) If the judgment is not then satisfied, and property has been attached and remains in custody, the sheriff shall sell the same, or sufficient thereof to satisfy the judgment. When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the sheriff may, on instructions from the judgment creditor, levy on other property of the judgment debtor without delay.

(3) If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, the sheriff shall levy on the property of the judgment debtor, sufficient to satisfy the judgment, in the manner described in RCW 7.12.130.

(4) If, after the judgment is satisfied, any property remains in custody, the sheriff shall deliver it to the judgment debtor.

(5) Until a levy, personal property shall not be affected by the execution.

(6) When property has been sold or debts received on execution, the sheriff shall pay the proceeds to the clerk who issued the writ, for satisfaction of the judgment as commanded in the writ or for return of any excess proceeds to the judgment debtor. No sheriff or other officer may retain any moneys collected on execution more than twenty days before paying the same to the clerk of the court who issued the writ.

NEW SECTION. Sec. 415. Upon receipt of proceeds from the sheriff on execution, the clerk shall notify the party to whom the same is payable, and pay over the amount to that party as required by law. If any proceeds remain after satisfaction of the judgment, the clerk shall pay the excess to the judgment debtor.

Sec. 416. Section 13, page 42, Laws of 1886 as amended by section 1, chapter 100, Laws of 1927 and RCW 7.12.130 are each amended to read as follows:

The sheriff to whom the writ is directed and delivered ~~((must))~~ shall execute the same without delay as follows:

(1) Real property shall be ~~((attached))~~ levied on by ~~((filing))~~ recording a copy of the writ, together with a description of the property attached, with the ~~((county auditor))~~ recording officer of the county in which the ~~((attached))~~ real estate is situated.

(2) Personal property, capable of manual delivery, shall be ~~((attached))~~ levied on by taking into custody.

(3) ~~((Stock or shares, or interest in stock or shares, of any corporation, association or company, shall be attached by leaving with the president or other head of the same, or the secretary, cashier or managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached in pursuance of such writ))~~. Shares of stock and other investment securities shall be levied on in accordance with the requirements of RCW 62A.8-317.

(4) A fund in court shall be levied on by leaving a copy of the writ with the clerk of the court with notice in writing specifying the fund.

(5) A franchise granted by a public or quasi-public corporation shall be levied on by (a) serving a copy of the writ on the judgment debtor as required by RCW 6.04.100 and (b) filing a copy of the writ in the office of the auditor of the county in which the franchise was granted together with a notice in writing that the franchise has been levied on to be sold, specifying the time and place of sale, the name of the owner, the amount of the judgment for which the franchise is to be sold, and the name of the judgment creditor.

(6) A vendor's interest under a real estate contract shall be levied on by (a) recording a copy of the writ, with descriptions of the contract and of the real property covered by the contract, with the recording officer of the

county in which the real estate is located and (b) serving a copy of the writ, with a copy of the descriptions, on the judgment debtor in the manner as required by RCW 6.04.100.

(7) Other intangible personal property may be levied on by serving a copy of the writ on the judgment debtor as required by RCW 6.04.100.

NEW SECTION. Sec. 417. If a judgment debtor owns real estate jointly or in common with any other person, only the debtor's interest may be levied on and sold on execution, and the sheriff's notice of sale shall describe the extent of the debtor's interest to be sold as accurately as possible.

Sec. 418. Section 499, page 220, Laws of 1854 as last amended by section 3, chapter 8, Laws of 1957 and RCW 6.04.120 are each amended to read as follows:

When a ((defendant)) judgment debtor owns personal property jointly(;) or in ((partnership)) common with any other person, ((and the)) only the debtor's interest may be levied on and sold on execution, and the sheriff's notice of sale shall describe the extent of the debtor's interest as accurately as possible.

If the debtor's interest cannot be separately ((attached)) levied on, the sheriff shall take possession of the property(;) unless the other person having an interest ((therein shall)) gives the sheriff a sufficient bond, with surety, conditioned to hold and manage the property according to law; and the sheriff shall then proceed to sell the interest of the defendant in such property((; describing such interest in his advertisement as nearly as may be, and the purchaser shall acquire all the interest of such defendant therein; but nothing herein contained shall be so construed as to deprive the copartner of any such defendant of his interest in any such)). This section shall not be construed so as to deprive the joint or common owner of any interest in the property.

Sec. 419. Section 268, page 182, Laws of 1854 as last amended by section 358, Code of 1881 and RCW 6.04.130 are each amended to read as follows:

((When the sheriff shall)) After levy of execution upon personal property, ((by virtue of an execution, he)) the sheriff may permit the judgment debtor to retain ((the same;)) possession of the property or any part ((thereof, in his possession)) of it until the day of sale, upon the ((defendant)) debtor executing a written bond to the sheriff with sufficient surety, in double the value of such property, to the effect that it shall be delivered to the sheriff at the time and place of sale, and for nondelivery thereof, an action may be maintained upon such bond by the sheriff or the ((plaintiff in the execution; but the sheriff shall not thereby be discharged from his liability to the plaintiff for such property)) judgment creditor, or the judgment creditor may, on motion supported by affidavit that the property has not

been delivered and the judgment remains unpaid, stating the amount unpaid, have judgment against the surety on the bond for the balance remaining due. In the alternative, the sheriff may appoint the judgment debtor as an agent to keep the property, without bond, upon written approval by the judgment creditor.

NEW SECTION. Sec. 420. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 61, Laws of 1897 and RCW 6.04.080;
- (2) Section 2, chapter 61, Laws of 1897 and RCW 6.04.090;
- (3) Section 3, chapter 61, Laws of 1897 and RCW 6.04.095;
- (4) Section 499, page 220, Laws of 1854, section 694, page 174, Laws of 1869, section 757, page 152, Laws of 1877, section 751, Code of 1881 and RCW 6.04.110; and
- (5) Section 605, page 155, Laws of 1869, section 668, page 138, Laws of 1877, section 665, Code of 1881 and RCW 6.04.150.

#### PART V ADVERSE CLAIMS

NEW SECTION. Sec. 501. The definitions in this section apply throughout this chapter.

(1) "Adverse claimant" means a person, other than the judgment debtor or defendant, who claims title or right to possession of property levied on.

(2) "Levying creditor" means the judgment creditor or plaintiff who obtained the writ of execution or attachment under which levy was made.

NEW SECTION. Sec. 502. An adverse claimant may assert a claim under the procedures provided in this chapter whether the levy was made under a writ of execution or of attachment and whether the writ was issued by a superior court or a district court of this state, but this chapter does not supersede common law or other remedies available to an adverse claimant before or after levy or sale.

Sec. 503. Section 256, page 179, Laws of 1854 as last amended by section 1, chapter 40, Law of 1891 and RCW 6.20.010 are each amended to read as follows:

~~((When any other person than the judgment debtor shall claim property levied upon or attached, he may have the right to))~~ (1) An adverse claimant to property levied on may demand and receive the ((same)) property from the sheriff ((or other officer making the attachment or)) who made the levy, upon ((his)) making and delivering to the sheriff an affidavit that the property is ((his,)) owned by the claimant or that ((he)) the claimant has a right to the immediate possession thereof, stating on oath the value thereof, and giving to the sheriff ((or officer)) a bond, with sureties in double the value of such property(;;). The bond shall be conditioned that ((he)) the claimant will appear in the ((superior court of the county in

which the property was seized, within ten days)) court specified in RCW 6.20.030 after the bond is accepted by the sheriff ~~((or other officer))~~, and make good ~~((his title to the same, or that he))~~ the claim in the affidavit or will return the property or pay its value to the ((said)) sheriff ((or other officer)).

(2) Without giving a bond, an adverse claimant who delivers to the sheriff an affidavit as described in subsection (1) of this section may, on motion made within seven days after delivering the affidavit, appear in the court specified in RCW 6.20.030, with notice to the sheriff and to the attorney of record for the levying creditor, if any, otherwise to the levying creditor, and set a hearing at which the probable validity of the claim stated in the affidavit can be considered. If the court, after the hearing, finds that the claim is probably valid, it shall direct the sheriff to release the claimed property to the claimant; otherwise, the court shall direct the sheriff to continue to hold the property unless the claimant gives a bond as provided in subsection (1) of this section.

Sec. 504. Section 256, page 179, Laws of 1854 as last amended by section 5, chapter 8, Laws of 1957 and RCW 6.20.020 are each amended to read as follows:

If the adverse claimant posts a bond and the sheriff ((or other officer)) requires it, the sureties shall justify as in other cases, and in case they do not so justify when required, the sheriff ((or officer)) shall retain the property; if the sheriff ((or officer)) does not require the sureties to justify, he or she shall stand good for their sufficiency. ((He)) The sheriff shall date and indorse ((his)) acceptance upon the bond.

Sec. 505. Section 257, page 179, Laws of 1854 as last amended by section 2, chapter 40, Laws of 1891 and RCW 6.20.030 are each amended to read as follows:

The ((officer)) sheriff shall immediately return the affidavit(;) of an adverse claimant and the bond and justification, if any, to the office of the clerk of the ((superior)) court that issued the writ, unless the property was seized in another county, then to the clerk of the superior court of the county in which the property was seized or, if the levy was made under a writ of a district court of this state, then to a district court, to be selected by the sheriff, in the county in which the property was seized, and this case shall stand for trial in said court. The adverse claimant shall be the plaintiff, and the sheriff and the levying creditor shall be the defendants. The sheriff or levying creditor or both of them may respond to the affidavit, but no further pleadings are required, and any party may cause the matter to be noted for trial.

Sec. 506. Section 259, page 179, Laws of 1854 as last amended by section 354, Code of 1881 and RCW 6.20.050 are each amended to read as follows:

If the claimant makes good ((his)) on all or any part of the claim to title to the property or right to possession, judgment shall be entered for the claimant to the extent the claim has been established. If the claimant has given a bond, the bond shall be canceled(;) or, if ((to)) the claimant makes good on only a portion ((thereof)) of the claim, a like proportion of the bond shall be canceled(;-but if he shall)). If the claimant has not given a bond and the sheriff has retained possession of the property, judgment shall be entered in favor of the claimant for return of the property or its value.

If the claimant does not maintain ((his title)) the claim, judgment shall be rendered against ((him and his)) the claimant. If the claimant has retained possession of the property pending trial on the claim, the judgment shall be entered against the claimant and, if the claimant has given a bond, against the sureties for the return of the property or for the value of the property or of the portion of the property for which the claim is not maintained, or for such ((less)) lesser amount as shall not exceed the amount due on the original execution or attachment.

When the judgment is in favor of the sheriff for the entire property, the claimant shall pay the costs; when the claimant recovers all the property, judgment shall be given in favor of the claimant for costs; when the claimant recovers a portion of the property only, the costs shall be apportioned. When the ((plaintiff)) claimant prevails, the costs may be taxed against the ((defendant who was plaintiff in the execution or attachment, or the court may, if it shall be of opinion)) levying creditor or, if the court finds that the sheriff attached or levied upon ((said)) the property without the exercise of due caution, ((adjudge him)) the court may require the sheriff to pay the costs or any portion thereof.

NEW SECTION. Sec. 507. Section 258, page 179, Laws of 1854, section 349, page 90, Laws of 1869, section 356, page 75, Laws of 1877, section 353, Code of 1881 and RCW 6.20.040 are each repealed.

## PART VI SALES UNDER EXECUTION

NEW SECTION. Sec. 601. All the provisions of this chapter governing sales of personal property, except vendors' interests under real estate contracts, shall apply to proceedings before district courts.

Sec. 602. Section 1, chapter 35, Laws of 1935 as last amended by section 1, chapter 276, Laws of 1984 and RCW 6.24.010 are each amended to read as follows:

Before the sale of personal property under execution, order of sale or decree, notice thereof shall be given as follows:

(1) ~~((In case of personal property, the sheriff shall post typed or printed notice of the time and place of sale in three public places in the county where the sale is to take place, for a period of not less than thirty days prior~~

to the day of sale. Not)) The judgment creditor shall, not less than thirty days prior to the day of sale, ~~((the judgment creditor shall))~~ cause a copy of the notice of sale to be transmitted both by regular mail and by certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and by regular mail to the attorney of record for the judgment debtor, if any.

(2) ~~((In case of real property, the sheriff shall post a notice as provided in RCW 6.24.015, particularly describing the property for a period of not less than four weeks prior to the day of sale in two public places in the county, one of which shall be at the court house door, where the property is to be sold, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement. The sheriff shall also publish a notice thereof once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated in substantially the following form:~~

~~IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR ..... COUNTY~~

<del>_____</del>	}	CAUSE NO:
<del>Plaintiff,</del>		
<del>_____</del>		
<del>vs.</del>		
<del>_____</del>	}	SHERIFF'S PUBLIC NOTICE OF SALE OF REAL PROPERTY
<del>_____</del>		
<del>_____</del>		
<del>Defendant.</del>		

~~TO: [Judgment Debtor]  
The Superior Court of ..... County has directed the undersigned Sheriff of ..... County to sell the property described below to satisfy a judgment in the above-entitled action. If developed the property address is: .....~~

~~The sale of the above described property is to take place:~~

~~Time: .....  
Date: .....  
Place: .....~~

~~The judgment debtor can avoid the sale by paying the judgment amount of \$ ....., together with interest, costs, and fees before the sale date. For the exact amount, contact the sheriff at the address stated below:~~

~~..... SHERIFF-DIRECTOR, ..... COUNTY,  
WASHINGTON:~~

~~By ....., Deputy  
Address .....  
.....(City)  
Washington 9.....~~

Phone (...) .....

~~PROVIDED, HOWEVER, That if there is more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit or proceeding shall have the exclusive right to designate in which of such qualified newspapers such notice shall be published. PROVIDED, FURTHER, That if there is no legal newspaper published in the county, then such notice shall be published in a legal newspaper published in a contiguous county. Not less than thirty days prior to the date of sale, the judgment creditor shall cause a copy of the notice as provided in RCW 6.24.015 to be (a) served on the judgment debtor or debtors and each of them in the same manner as a summons in a civil action, or (b) transmitted by both regular and certified mail, return receipt requested, to the judgment debtor or debtors and to each of them separately if there is more than one judgment debtor at the judgment debtor's last known address, and the judgment creditor shall mail a copy of the notice of sale to the attorney of record for the judgment debtor.~~

~~(3) The judgment creditor shall file an affidavit with the court that the judgment creditor has complied with the notice requirements of this section:)) The sheriff shall post typed or printed notice of the time and place of the sale in three public places in the county in which the sale is to take place, for a period of not less than four weeks prior to the day of sale.~~

NEW SECTION. Sec. 603. Before the sale of real property under execution, order of sale, or decree, notice of the sale shall be given as follows:

(1) The judgment creditor shall:

(a) Not less than thirty days prior to the date of sale, cause a copy of the notice in the form provided in RCW 6.24.015 to be (i) served on the judgment debtor or debtors and each of them in the same manner as a summons in a civil action, or (ii) transmitted both by regular mail and by certified mail, return receipt requested, to the judgment debtor or debtors, and to each of them separately if there is more than one judgment debtor, at each judgment debtor's last known address; and

(b) Not less than thirty days prior to the date of sale, mail a copy of the notice of sale to the attorney of record for the judgment debtor, if any; and

(c) File an affidavit with the court that the judgment creditor has complied with the notice requirements of this section.

(2) The sheriff shall:

(a) For a period of not less than four weeks prior to the date of sale, post a notice in the form provided in RCW 6.24.015, particularly describing the property, in two public places in the county in which the property is located, one of which shall be at the courthouse door, where the property is to be sold, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement; and



(b) Publish a notice of the sale once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated, but if there is more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit, or proceeding has the exclusive right to designate in which of the qualified newspapers the notice shall be published, and if there is no qualified legal newspaper published in the county, then the notice shall be published in a qualified legal newspaper published in a contiguous county, as designated by the plaintiff or moving party. The published notice shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR . . . . . COUNTY

Plaintiff,	}	CAUSE NO.
vs.		SHERIFF'S PUBLIC NOTICE OF SALE OF REAL PROPERTY
Defendant.		

TO: [Judgment Debtor]

The Superior Court of . . . . . County has directed the undersigned Sheriff of . . . . . County to sell the property described below to satisfy a judgment in the above-entitled action. If developed, the property address is: . . . . .

The sale of the above described property is to take place:

Time: . . . . .

Date: . . . . .

Place: . . . . .

The judgment debtor can avoid the sale by paying the judgment amount of \$. . . . ., together with interest, costs, and fees, before the sale date. For the exact amount, contact the sheriff at the address stated below:

. . . . . SHERIFF-DIRECTOR, . . . . . COUNTY,  
WASHINGTON.

By . . . . ., Deputy

Address . . . . .

. . . . .(City)

Washington 9. . . . .

Phone (...) . . . . .

Sec. 604. Section 2, chapter 329, Laws of 1981 as amended by section 2, chapter 276, Laws of 1984 and RCW 6.24.015 are each amended to read as follows:

The notice of sale shall be printed or typed and shall be in substantially the following form, except that if the sale is not pursuant to a judgment of

foreclosure of a mortgage or a statutory lien, the notice shall also contain a statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment and that if the judgment debtor or debtors do have sufficient personal property to satisfy the judgment, the judgment debtor or debtors should contact the sheriff's office immediately:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR ..... COUNTY

Plaintiff,

vs.

Defendant.

CAUSE NO.

SHERIFF'S NOTICE TO  
JUDGMENT DEBTOR OF  
SALE OF REAL PROPERTY

TO: [Judgment Debtor]

The Superior Court of ..... County has directed the undersigned Sheriff of ..... County to sell the property described below to satisfy a judgment in the above-entitled action. The property to be sold is described on the reverse side of this notice. If developed, the property address is: .....

The sale of the above described property is to take place:

- Time: .....
- Date: .....
- Place: .....

The judgment debtor can avoid the sale by paying the judgment amount of \$....., together with interest, costs, and fees, before the sale date. For the exact amount, contact the sheriff at the address stated below:

This property is subject to: (check one)

- 1. No redemption rights after sale.
- 2. A redemption period of eight months which will expire at 4:30 p.m. on the ..... day of ....., 19...
- 3. A redemption period of one year which will expire at 4:30 p.m. on the ..... day of ....., 19...

The judgment debtor or debtors or any of them may redeem the above described property at any time up to the end of the redemption period by paying the amount bid at the sheriff's sale plus additional costs, taxes, assessments, ((and)) certain other amounts, fees, and interest. If you are interested in redeeming the property contact the undersigned sheriff at the address stated below to determine the exact amount necessary to redeem.

**IMPORTANT NOTICE: IF THE JUDGMENT DEBTOR OR DEBTORS DO NOT REDEEM THE PROPERTY BY 4:30 p.m. ON**

THE ... DAY OF ....., 19.., THE END OF THE REDEMPTION PERIOD, THE PURCHASER AT THE SHERIFF'S SALE WILL BECOME THE OWNER AND MAY EVICT THE OCCUPANT FROM THE PROPERTY UNLESS THE OCCUPANT IS A TENANT HOLDING UNDER AN UNEXPIRED LEASE. IF THE PROPERTY TO BE SOLD IS OCCUPIED AS A ((PERMANENT)) PRINCIPAL RESIDENCE ((AND IS OCCUPIED)) BY THE JUDGMENT DEBTOR OR DEBTORS AT THE TIME OF SALE, HE, SHE, THEY, OR ANY OF THEM MAY HAVE THE RIGHT TO RETAIN POSSESSION DURING THE REDEMPTION PERIOD, IF ANY, WITHOUT PAYMENT OF ANY RENT OR OCCUPANCY FEE. THE JUDGMENT DEBTOR MAY ALSO HAVE A RIGHT TO RETAIN POSSESSION DURING ANY REDEMPTION PERIOD IF THE PROPERTY IS USED FOR FARMING OR IF THE PROPERTY IS BEING SOLD UNDER A MORTGAGE THAT SO PROVIDES.

..... SHERIFF-DIRECTOR, ..... COUNTY, WASHINGTON.

By ....., Deputy  
 Address .....  
 .....(City)  
 Washington 9.....  
 Phone (...) .....

~~((If the sale is not pursuant to a judgment of foreclosure of a mortgage, the above notice should also contain a statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment and that if the judgment debtor or debtors do have sufficient personal property to satisfy the judgment, the judgment debtor or debtors should contact the sheriff's office immediately:))~~

Sec. 605. Section 2, chapter 50, Laws of 1897 as last amended by section 1, chapter 126, Laws of 1953 and RCW 6.24.020 are each amended to read as follows:

(1) All sales of property under execution, order of sale, or decree, shall be made by auction between nine o'clock in the morning and four o'clock in the afternoon. ~~((After sufficient property has been sold to satisfy the execution, no more shall be sold. Neither the officer holding the execution, nor his deputy, shall become a purchaser, or be interested in any purchase at such sale. When the sale is of personal property capable of manual delivery, and not in the possession of a third person, it shall be within view of those who attend the sale, and be sold in such parcels as are likely to bring the highest price, and [when] the sale is of real property, consisting of several known lots or parcels, they shall be sold separately or otherwise as is likely to bring the highest price, or when a portion of such real property is claimed by a third person, and he requires it to be sold separately, such portion shall be~~

sold separately.)) Sale of a public franchise under execution or order of sale on foreclosure must be made at the front door of the courthouse in the county in which the franchise was granted. Sales of real property shall be made at the courthouse door on Friday(~~(-PROVIDED, HOWEVER, That if))~~ unless Friday is a legal holiday and then the sale shall be held on the next following regular business day.

(2) If at the time appointed for the sale the sheriff is prevented from attending at the place appointed or, being present, should deem it for the advantage of all concerned to postpone the sale for want of purchasers, or other sufficient cause, the sheriff may postpone the sale not exceeding one week next after the day appointed, and so from time to time for the like cause, giving notice of every adjournment by public proclamation made at the same time, and by posting written notices of such adjournment under the notices of sale originally posted. The sheriff for like causes may also adjourn the sale from time to time, not exceeding thirty days beyond the day at which the writ is made returnable, with the consent of the plaintiff indorsed upon the writ.

NEW SECTION. Sec. 606. After sufficient property has been sold to satisfy the execution, no more shall be sold. Neither the officer holding the execution nor his or her deputy shall become a purchaser or be interested in any purchase at the sale.

Sec. 607. Section 270, page 183, Laws of 1854 as last amended by section 362, Code of 1881 and RCW 6.24.050 are each amended to read as follows:

((When the purchaser of any personal property, capable of manual delivery, and not in the possession of a third person, association or corporation, shall pay)) If the sale is of personal property capable of manual delivery, and not in the possession of a third person, it shall be within view of those who attend the sale and shall be sold in such parcels as are likely to bring the highest price; and upon receipt of the purchase money, the sheriff shall deliver ((to him)) the property(;) to the purchaser and ((if desired)) shall give ((him)) a bill of sale containing an acknowledgment of the payment if the purchaser requests it. A vendor's interest under a real estate contract, including vendor's legal title to the real property, shall be treated as personal property for purposes of sale, but the sheriff shall give the purchaser both a bill of sale covering the vendor's interest under the contract and a sheriff's deed covering the vendor's legal title to the real property. In all other sales of personal property, the sheriff shall give the purchaser a bill of sale with ((the like)) an acknowledgment of payment. The sheriff shall return the proceeds with the execution to the clerk who issued the writ for payment as required by law.

Sec. 608. Section 5, chapter 53, Laws of 1899 and RCW 6.24.030 are each amended to read as follows:

~~((Upon))~~ A sale of a real property ~~((under execution, decree or order of sale, when the))~~ estate ~~((is))~~ of less than a leasehold of two years unexpired term ~~((, the sale))~~ and a sale of a vendor's interest in real property being sold under a real estate contract shall be absolute. In all other cases ~~((such)),~~ real property shall be sold subject to redemption, as ~~((hereinafter))~~ provided in chapter 6.—RCW (part VII of this act). ~~((At the time of the sale the sheriff shall give to the purchaser a certificate of the sale, containing a particular description of the property sold, the price bid for each distinct lot, or parcel, the whole price paid, and when subject to redemption, it shall be so stated. The matters contained in such certificate shall be substantially stated in the sheriff's return of his proceedings upon the writ.))~~

Sec. 609. Section 262, page 181, Laws of 1854 as last amended by section 363, Code of 1881 and RCW 6.24.060 are each amended to read as follows:

(1) The form and manner of ~~((sale of))~~ selling real estate by execution shall be as follows: The sheriff shall proclaim aloud at the place of sale, in the hearing of all the bystanders: "I am about to sell the following tracts of real estate (here reading the description,) upon the following execution:" (here reading the execution). ~~((He))~~ The sheriff shall also state the amount ~~((which he))~~ that is required ~~((to make))~~ upon the execution, which shall include damages, interests and costs up to the day of sale, and increased costs. ~~((He))~~ The sheriff shall then offer the land for sale ~~((, the lots and parcels separately or together, as he shall deem most advantageous)).~~

(2) If the sale is of real property consisting of several known lots or parcels, they shall be sold separately or otherwise as the sheriff deems likely to bring the highest price, except that if an interest in a portion of such real property is claimed by a third person who, by request directed to the sheriff in writing prior to the sale or orally or in writing at the sale before the bidding is begun, requests that it be sold separately, such portion shall be sold separately. Bids on all land except town lots ~~((shall))~~ may be ~~((sold))~~ by the acre or by tract or parcel.

(3) If the land is sold by the acre and any fewer number of acres than the whole tract or parcel is sold, it shall be measured off to the purchaser in a square form, from the northeast corner of the tract or parcel, unless some person claiming an interest in the land, by request directed to the sheriff in writing prior to the sale or orally or in writing at the sale before the bidding is begun, requests that the land sold be taken from some other part or in some other form; in such case, if the request is reasonable, the officer making the sale shall sell accordingly.

(4) If an entire tract or parcel of land is sold by the acre, it shall not be measured but shall be deemed and taken to contain the number of acres named in the description, and be paid for accordingly; and if the number of acres is not contained in the description, the officer shall declare according

to his or her judgment how many acres are contained therein, which shall be deemed and taken to be the true number of acres.

Sec. 610. Section 265, page 182, Laws of 1854 as last amended by section 28, chapter 81, Laws of 1971 and RCW 6.24.090 are each amended to read as follows:

(1) The officer shall strike off the land to the highest bidder, who shall forthwith pay the money bid to the officer, who shall return the money with ~~((his))~~ the execution and ((his doings thereon;)) the report of proceedings on the execution to the clerk of the court from which the execution issued(~~(; according to the order thereof))~~): PROVIDED, HOWEVER, That when final judgment shall have been entered in the supreme court or the court of appeals and the execution upon which sale has been made issued from said court, the ~~((proceedings on execution and))~~ return shall be ~~((docketed for confirmation in))~~ made to the superior court in which the action was originally commenced, and ((like)) the same proceedings shall be had as though ((said)) execution had issued from ~~((the said))~~ that superior court.

(2) At the time of the sale, the sheriff shall prepare a certificate of the sale, containing a particular description of the property sold, the price bid for each distinct lot or parcel, and the whole price paid; and when subject to redemption, it shall be so stated. The matters contained in such certificate shall be substantially stated in the sheriff's return of proceedings upon the writ. Upon receipt of the purchase price, the sheriff shall give a copy of the certificate to the purchaser and the original certificate to the clerk of the court with the return on the execution to hold for delivery to the purchaser upon confirmation of the sale.

Sec. 611. Section 6, chapter 53, Laws of 1899 as last amended by section 3, chapter 276, Laws of 1984 and RCW 6.24.100 are each amended to read as follows:

(1) Upon the return of any sale of real estate ~~((as aforesaid))~~, the clerk (a) shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation"; (b) shall mail notice of the filing of the return of sale ~~((shall be mailed by the clerk))~~ to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them ~~((and)); (c) shall file~~ proof of such mailing ~~((shall be filed))~~ in the action; ~~((and the following proceedings shall be had:))~~ (d) shall apply the proceeds of the sale returned by the sheriff, or so much thereof as may be necessary, to satisfaction of the judgment, including interest as provided in the judgment, and shall pay any excess proceeds as provided in subsection (5) of this section; and (e) upon confirmation of the sale, shall deliver the original certificate of sale to the purchaser.

~~((†))~~ (2) The judgment creditor or successful purchaser at the sheriff's sale is entitled to an order confirming the sale at any time after twenty days have elapsed from the mailing of the notice of the filing of ((such)) the

sheriff's return (~~(shall be entitled)~~), on motion with notice given to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them, (~~(to have an order confirming the sale;)~~) unless the judgment debtor, or in case of ~~((his))~~ the judgment debtor's death, ((his)) the representative, or any nondefaulting party to whom notice was sent shall file objections to confirmation with the clerk within twenty days after the mailing of the notice of the filing of such return((; his objections thereto)).

~~((2))~~ (3) If ~~((such))~~ objections ((be)) to confirmation are filed, the court shall~~((; notwithstanding;))~~ nevertheless allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be, as upon an execution received as of that date.

~~((3))~~ Upon the return of the execution, the sheriff shall pay the proceeds of sale to the clerk, who shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment including interest as provided in the judgment.)

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. If ((an order of)) on resale ((be afterwards made, and)) the property sells for a greater amount to any person other than the former purchaser, the clerk shall first repay to ((such)) the former purchaser out of the proceeds of the resale the amount of ((his)) the former purchaser's bid ((out of the proceeds of the latter sale)) together with interest as is provided in the judgment.

~~((4))~~ Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale as to all persons in any other action, suit or proceeding whatever:))

(5) If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or ~~((his))~~ the judgment debtor's representative, as the case may be, ~~((at any time))~~ before the order is made upon the motion to confirm the sale~~((; PROVIDED, Such))~~ only if the party files with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; otherwise the excess proceeds shall remain in the custody of the clerk until the sale of the property has been disposed of; but if the sale be confirmed, such excess proceeds shall be paid to ((said party)) the judgment debtor or representative as a matter of course((; otherwise they shall remain in the custody of the clerk until the sale of the property has been disposed of)).

(6) The purchaser shall file the original certificate of sale for record with the recording officer in the county in which the property is located.

Sec. 612. Section 16, chapter 53, Laws of 1899 as amended by section 5, chapter 80, Laws of 1965 and RCW 6.24.220 are each amended to read as follows:

In all cases where real estate has been, or may hereafter be sold ((in pursuance of law)) by virtue of an execution or other process, ((issued upon an ordinary money judgment, or by virtue of execution, or other process issued upon a decree for the foreclosure of a mortgage or other lien)) it shall be the duty of the sheriff or other officer making such sale to execute and deliver to the purchaser, or other person entitled to the same, a deed of conveyance of the real estate so sold ((immediately after the time for redemption from such sale has expired. PROVIDED, Such sale has been duly confirmed by order of the court. AND, PROVIDED FURTHER, That such)). The deeds shall be issued upon request immediately after the confirmation of sale by the court in those instances where redemption rights have been precluded pursuant to RCW 61.12.093 et seq., or immediately after the time for redemption from such sale has expired in those instances in which there are redemption rights, as provided in RCW 6.24.160. In case the term of office of the sheriff or other officer making such sale shall have expired before a sufficient deed has been executed, then the successor in office of such sheriff shall, within the time specified in this section, execute and deliver to the purchaser or other person entitled to the same a deed of the premises so sold, and such deeds shall be as valid and effectual to convey to the grantee the lands or premises so sold, as if the deed had been made by the sheriff or other officer who made the sale.

Sec. 613. Section 364, page 96, Laws of 1869 as last amended by section 368, Code of 1881 and RCW 6.24.110 are each amended to read as follows:

~~((If the))~~ A purchaser of real property sold on execution, or ~~((his))~~ a purchaser's successor in interest, ~~((be))~~ who is evicted ~~((therefrom))~~ in consequence of the reversal of the judgment ~~((, he))~~ may recover from the plaintiff in the execution the price paid with interest and the costs and disbursements of the eviction suit ~~((by which he was evicted, from the plaintiff in the writ of execution)).~~

NEW SECTION. Sec. 614. The following acts or parts of acts are each repealed:

(1) Section 263, page 181, Laws of 1854, section 360, page 94, Laws of 1869, section 367, page 79, Laws of 1877, section 364, Code of 1881 and RCW 6.24.070;

(2) Section 264, page 182, Laws of 1854, section 361, page 95, Laws of 1869, section 368, page 79, Laws of 1877, section 365, Code of 1881 and RCW 6.24.080; and



(3) Section 272, page 183, Laws of 1854, section 365, page 96, Laws of 1869, section 372, page 81, Laws of 1877, section 369, Code of 1881 and RCW 6.24.120.

## PART VII

## REDEMPTIONS OF REAL PROPERTY FROM FORCED SALES

Sec. 701. Section 7, chapter 53, Laws of 1899 and RCW 6.24.130 are each amended to read as follows:

(1) Real property sold subject to redemption, as ~~((above))~~ provided in RCW 6.24.030, or any part thereof separately sold, may be redeemed by the following persons, or their successors in interest:

~~((1))~~ (a) The judgment debtor ~~((or his successor in interest))~~, in the whole or any part of the property separately sold.

~~((2))~~ (b) A creditor having a lien by judgment, decree, deed of trust, or mortgage, on any portion of the property, or any portion of any part thereof, separately sold, subsequent in time to that on which the property was sold. The persons mentioned in ~~((subdivision (2) of this section))~~ this subsection are termed redemptioners.

(2) As used in this chapter, the terms "judgment debtor," "redemptioner," and "purchaser," refer also to their respective successors in interest.

Sec. 702. Section 8, chapter 53, Laws of 1899 as last amended by section 4, chapter 276, Laws of 1984 and RCW 6.24.140 are each amended to read as follows:

(1) Unless redemption rights have been precluded pursuant to RCW 61.12.093 et seq., the judgment debtor ~~((or his successor in interest))~~ or any redemptioner~~(;)~~ may redeem the property from the purchaser at any time (a) within eight months after the date of the sale if the sale is pursuant to judgment and decree of foreclosure of any mortgage executed after June 30, 1961, which mortgage declares in its terms that the mortgaged property is not used principally for agricultural or farming purposes, and in which complaint the judgment creditor has expressly waived any right to a deficiency judgment, or (b) otherwise within one year after the date of the sale~~(; on paying)~~.

(2) The person who redeems from the purchaser must pay: (a) The amount of the bid, with interest thereon at the rate provided in the judgment to the time of redemption, together with (b) the amount of any assessment or taxes which the purchaser ~~((or his successor in interest may have))~~ has paid thereon after purchase, and like interest on such amount from time of payment to time of redemption, together with (c) any sum paid by the purchaser on a prior lien or obligation secured by an interest in the property to the extent the payment was necessary for the protection of the interest of the judgment debtor~~((, the judgment debtor's successor in interest))~~ or a redemptioner ~~((which the purchaser or the purchaser's successor in interest may have paid thereon with)), and like interest upon every~~

payment made (~~((by the purchaser or the purchaser's successor in interest at the rate provided in the judgment))~~) from the date of payment (~~((thereof))~~) to the time of redemption(~~(:)~~), and (d) if the redemption is by a redemptioner and if the purchaser ((be)) is also a creditor having a lien, by judgment, decree, deed of trust, or mortgage, prior to that of the redemptioner, other than the judgment under which such purchase was made, the redemptioner shall also pay the amount of such lien with like interest: PROVIDED, HOWEVER, That ((whenever there is an execution sale of property pursuant to judgment and decree of foreclosure of any mortgage executed after June 30, 1961, which mortgage declares in its terms that the mortgaged property is not used principally for agricultural or farming purposes, and in which complaint the judgment creditor has expressly waived any right to a deficiency judgment, the period of redemption shall be eight months after the said sale)) a purchaser who makes any payment as mentioned in (c) of this subsection shall submit to the sheriff the affidavit required by RCW 6.24.180, and any purchaser who pays any taxes or assessments or has or acquires any such lien as mentioned in (d) of this subsection must file the statement required in section 705 of this 1987 act and provide evidence of the lien as required by RCW 6.24.180.

Sec. 703. Section 6, chapter 329, Laws of 1981 as amended by section 5, chapter 276, Laws of 1984 and RCW 6.24.145 are each amended to read as follows:

(1) If the property is subject to a homestead as provided in ((RCW 6.17.045 or 6.17.050)) chapter 6.12 RCW, the purchaser ((or the purchaser's assignee)), or the redemptioner ((or the redemptioner's assignee)) if the property has been redeemed, shall send a notice, in the form prescribed in subsection (3) of this section, at least forty but not more than sixty days before the expiration of the judgment debtor's redemption period both by regular mail and by certified mail, return receipt requested, ((and by first class mail)) to the judgment debtor or debtors and to each of them separately, if there is more than one judgment debtor, at their last known address or addresses and to "occupant" at the property address. The ((notice)) party who sends the notice shall file a copy of the notice with an affidavit of mailing with the clerk of the court and deliver or mail a copy to the sheriff.

(2) Failure to comply with this section extends the judgment debtor's redemption period six months. If the redemption period is extended, no further notice need be sent. Time for redemption by redemptioners shall not be extended.

(3) The notice and affidavit of mailing required by subsection (1) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR . . . . COUNTY

Plaintiff,	}	CAUSE NO.
vs.		NOTICE OF EXPIRATION OF REDEMPTION PERIOD
Defendant.		

TO: [Judgment Debtor]

THIS IS AN IMPORTANT NOTICE AFFECTING YOUR RIGHT TO RETAIN YOUR PROPERTY.

NOTICE IS HEREBY GIVEN that the period for redemption of the following described real property ("the property") is expiring. The property is situated in the County of . . . . ., State of Washington, to wit:

\_\_\_\_\_ [legal description] \_\_\_\_\_  
 and commonly known as . . . . ., which was sold by . . . . ., . . . . . County Sheriff, in . . . . ., . . . . . County, Washington on the . . . . . day of . . . . ., 19.., under and by virtue of a writ of execution and order of sale issued by the court in the above-entitled action.

THE REDEMPTION PERIOD FOR THE PROPERTY IS . . . . . MONTHS. THE REDEMPTION PERIOD COMMENCED ON . . . . ., 19.., AND WILL EXPIRE AT 4:30 p.m. ON . . . . ., 19..

If you intend to redeem the property described above you must give written notice of your intention to the . . . . . County Sheriff on or before . . . . ., 19..

Following is an itemized account of the amount required to redeem the property to date:

Item	Amount
Purchase price paid at sale	\$
Interest from date of sale to date of this notice at . . . percent per annum	\$
Real estate taxes <u>plus interest</u>	\$
Assessments <u>plus interest</u>	\$
Liens or other costs paid <u>by purchaser</u> <u>or purchaser's successor during</u> <u>redemption period plus interest</u>	\$
<u>Lien of redemptioner</u>	\$
<b>TOTAL REQUIRED TO REDEEM AS OF THE DATE OF THIS NOTICE</b>	<b>\$</b>

You may redeem the property by 4:30 p.m. on or before the . . . day of . . . . ., 19.., by paying the amount set forth above and such other amounts as may be required by law. Payment must be in the full amount and in cash, certified check, or cashier's check. Because such other amounts

as may be required by law to redeem may include presently unknown expenditures required to operate, preserve, protect, or insure the property, or the amount to comply with state or local laws, or the amounts of prior liens, with interest, held by the purchaser or a redemptioner, it will be necessary for you to contact the . . . . . County Sheriff at the address stated below prior to the time you tender the redemption amount so that you may be informed exactly how much you will have to pay to redeem the property.

. . . . . SHERIFF-DIRECTOR, . . . . . COUNTY, WASHINGTON.

By . . . . ., Deputy  
Address . . . . .  
. . . . .(City)  
Washington 9. . . . .  
Phone (...) . . . . .

IF YOU FAIL TO REDEEM THE PROPERTY BY 4:30 p.m. ON OR BEFORE THE . . . . . DAY OF . . . . ., 19. . ., THE DATE UPON WHICH THE REDEMPTION PERIOD WILL EXPIRE, THE PURCHASER OR THE PURCHASER'S ((ASSIGNEE)) SUCCESSOR WILL BE ENTITLED TO POSSESSION OF THE PROPERTY AND MAY BRING AN ACTION TO EVICT YOU FROM POSSESSION OF THE PROPERTY.

DATED THIS ... DAY OF . . . . ., 19. . .

[Purchaser]  
By  
[Purchaser's attorney]  
Attorneys for

STATE OF WASHINGTON }  
  } ss.  
COUNTY OF

The undersigned being first duly sworn on oath states: That on this day affiant deposited in the mails of the United States of America a properly stamped and addressed envelope directed to the judgment debtor at the address stated on the face of this document and to "occupant" at the property address, both by certified mail, return receipt requested, and by first class mail, all of the mailings containing a copy of the document to which this affidavit is attached.

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((SUBSCRIBED)) SIGNED AND SWORN TO BEFORE ME THIS . . . . . DAY OF . . . . ., 19..((:)), BY . . . . .  
(name of person making statement)

~~((NOTARY PUBLIC in and for the State of Washington, residing at:))~~

.....  
Title .....  
My appointment expires ....., 19..

~~((In the event that the redemption period is extended no further notice need be sent:~~

~~The party who sends the notice shall file a copy of the notice with an affidavit of mailing with the clerk of the court and deliver or mail a copy to the sheriff. Failure to comply with this section extends the redemption period for six months.))~~

Sec. 704. Section 9, chapter 53, Laws of 1899 and RCW 6.24.150 are each amended to read as follows:

(1) If property ((be so)) is redeemed from the purchaser by a redemptioner, as provided in RCW 6.24.140, another redemptioner may, within sixty days after the ((last)) first redemption, ((again)) redeem it from the ((last)) first redemptioner ((by paying the sum paid on such last redemption with interest at the rate of eight percent per annum, and the amount of any taxes or assessment which the last redemptioner may have paid thereon after the redemption by him, with like interest on such amount, and in addition thereto by paying the amount of any liens, by judgment, decree or mortgage, held by said last redemptioner prior to his own, with interest; but the judgment under which the property was sold need not be so paid as a lien)). The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner within sixty days after the last redemption, ((on)) and such sixty-day redemption periods may extend beyond the period prescribed in RCW 6.24.140 for redemption from the purchaser.

(2) The judgment debtor may also redeem from a redemptioner, but in all cases the judgment debtor shall have the entire redemption period prescribed by RCW 6.24.140, but no longer unless the time is extended under RCW 6.24.145 or 6.24.190. If the judgment debtor redeems, the effect of the sale is terminated and the estate of the debtor is restored.

(3) A redemptioner may redeem under this section by paying the sum paid on the last previous redemption with interest ((thereon)) at the rate of eight percent per annum, and the amount of any assessments or taxes which the last previous redemptioner paid on the property after ((the redemption by him)) redeeming, with like interest ((thereon)), and the amount of any liens by judgment, decree, deed of trust, or mortgage, other than the judgment under which the property was sold, held by the last redemptioner, ((previous)) prior to his own, with interest. ((If the purchaser or)) A judgment debtor who redeems from a redemptioner under this section must

make the same payments as are required to effect a redemption by a redemptioner, including any lien by judgment, decree, deed of trust, or mortgage, other than the judgment under which the property was sold, held by the redemptioner. A redemptioner ((shall pay)) who pays any taxes or assessments, or ((have or acquire)) has or acquires any such lien as herein mentioned, ((he)) must file a statement ((thereof with the auditor of the county where said property is situate before the property shall have been redeemed from him, otherwise the property may be redeemed without paying such tax, assessment or lien. Such statement shall be recorded by such auditor)) as required under section 705 of this 1987 act.

NEW SECTION. Sec. 705. A purchaser or redemptioner who pays any taxes or assessments or has or acquires a lien on the property by judgment, decree, deed of trust, or mortgage prior to that of a prospective redemptioner must file a statement thereof, for recording, with the recording officer of the county in which the property is situated before the property has been redeemed from him or her. Otherwise, the property may be redeemed without paying such tax, assessment, or lien, but if actual notice of such payments or liens has been given to the person who redeems, failure to file the statement shall not affect the right to payment from that person absent that person's demonstration of prejudice resulting from the failure to file the statement.

Sec. 706. Section 10, chapter 53, Laws of 1899 as amended by section 2, chapter 196, Laws of 1961 and RCW 6.24.160 are each amended to read as follows:

If no redemption ((be)) is made within the redemption period prescribed by RCW 6.24.140 or within any extension of that period under any other provision of this chapter, the purchaser ((or his assignee)) is entitled to a ((conveyance)) sheriff's deed; or, if so redeemed, whenever sixty days have elapsed(;) and no other redemption has been made(;) or notice given operating to extend the period ((of redemption)) for re-redemption, and the time for redemption by the judgment debtor has expired, the last redemptioner ((or his assignee)) is entitled to receive a sheriff's deed(;-but in all cases the judgment debtor shall have the entire redemption period prescribed by RCW 6.24.140 from the date of the sale to redeem the property. If the judgment debtor redeem he must make the same payments as are required to effect a redemption by the redemptioner. If the judgment debtor redeem, the effect of the sale is terminated and he is restored to his estate. A certificate of redemption must be filed and recorded in the office of the auditor of the county in which the property is situated, and the auditor must note the record thereof in the margin of the record of the certificate of sale)) as provided in RCW 6.24.220.

Sec. 707. Section 11, chapter 53, Laws of 1899 and RCW 6.24.170 are each amended to read as follows:

When two or more persons apply to the sheriff to redeem at the same time ~~((he))~~, the sheriff shall allow the person having the prior lien to redeem first, and so on. The sheriff shall immediately pay the money over to the person from whom the property is redeemed, if ~~((he attend at the))~~ that person is present at time of redemption; or if not, at any time thereafter when demanded. When a sheriff ~~((shatt))~~ wrongfully ~~((refuse))~~ refuses to allow any person to redeem, ~~((his))~~ the right to redeem shall not be prejudiced ~~((thereby))~~ by such refusal, and the sheriff may be required, by order of the court, to allow such redemption.

Sec. 708. Section 12, chapter 53, Laws of 1899 as amended by section 6, chapter 276, Laws of 1984 and RCW 6.24.180 are each amended to read as follows:

~~((The mode of redeeming shall be as provided in this section.))~~ (1) The person seeking to redeem shall give the sheriff at least five days' written notice of ~~((his))~~ intention to apply to the sheriff for that purpose. It shall be the duty of the sheriff to notify the purchaser or redemptioner, as the case may be, or ~~((his))~~ the purchaser's or redemptioner's attorney, of the receipt of such notice, if such person ~~((be))~~ is within such county. At the time ~~((and place))~~ specified in such notice, the person seeking to redeem may do so by paying to the sheriff the sum required. The sheriff shall give the person redeeming a certificate stating ~~((therein))~~ the sum paid on redemption, from whom redeemed, the date thereof and a description of the property redeemed. A certificate of redemption must be filed and recorded in the office of the recording officer of the county in which the property is situated, and the recording officer must note the record thereof in the margin of the record of the certificate of sale.

(2) A person seeking to redeem shall submit to the sheriff the evidence of ~~((his))~~ the right ~~((thereto))~~ to redeem, as follows:

~~((1) If he be a))~~ (a) A lien creditor~~((;))~~ shall submit a copy of the docket of the judgment or decree under which ~~((he claims))~~ the right to redeem is claimed, certified by the clerk of the court where such judgment or decree is docketed; or ~~((if he seeks to redeem upon mortgage,))~~ the holder of a mortgage or deed of trust shall submit the certificate of the record thereof~~((; also))~~ together with an affidavit, verified by ~~((himself))~~ the holder or agent, showing the amount then actually due thereon.

~~((2) A))~~ (b) An assignee shall submit a copy of any assignment necessary to establish ~~((his))~~ the claim, verified by the affidavit of ~~((himself))~~ the assignee or agent, showing the amount then actually due on the judgment, decree, deed of trust, or mortgage.

(3) If the redemptioner or purchaser has a lien prior to that of the lien creditor seeking to redeem, such redemptioner or purchaser shall submit to the sheriff the same kind of evidence thereof as is required from a person seeking to redeem under subsection (2) of this section, and the amount due thereon, or the same may be disregarded.

(4) ~~((if the))~~ A purchaser ~~((or the purchaser's successor in interest))~~ who has paid a sum on a prior lien or obligation secured by an interest in the property ~~((, he or she))~~ shall submit to the sheriff an affidavit, verified by the purchaser ~~((or the purchaser's successor in interest))~~ or an agent, showing the amount paid on the prior lien or obligation, or the prior lien or obligation may be disregarded.

Sec. 709. Section 13, chapter 53, Laws of 1899 and RCW 6.24.190 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section and in RCW 6.24.210, the purchaser, from the time of the sale until the redemption, and the redemptioner from the time of ~~((his))~~ the redemption until another redemption, ~~((except as hereinafter provided,))~~ is entitled to receive from the tenant in possession the rents of the property sold ~~((;))~~ or the value of the use and occupation thereof. But when any rents or profits have been received ~~((by such person or persons thus entitled thereto,))~~ from the property ~~((thus sold))~~ by such purchaser or redemptioner, preceding the redemption thereof from him or her, the amount of such rents and profits, over and above the expenses paid for operating, caring for, protecting and insuring the property, shall be a credit upon the redemption money to be paid ~~((; and if the)).~~

(2) If a redemptioner or other person entitled to ~~((make such redemption))~~ redeem, before the expiration of the time allowed for such redemption, files with the sheriff a demand in writing for a written and verified statement of the amounts of ~~((such))~~ rents and profits thus received ~~((;))~~ and expenses paid and incurred, the period for redemption is extended five days after such a sworn statement is given by ~~((such))~~ the person ~~((thus))~~ receiving such rents and profits, or by his or her agent, to the person making ~~((such))~~ the demand, or to the sheriff. It shall be the duty of the sheriff to serve a copy of such demand upon the person receiving such rents and profits, his or her agent or his or her attorney, if ~~((such))~~ service can be made in the county where the property is situate. If such person shall, for a period of ten days after such demand has been given to the sheriff, fail or refuse to give such statement, ~~((such))~~ the redemptioner or other person entitled to redeem ~~((from such sale, making such demand,))~~ who made the demand may bring an action within sixty days after making such demand, but not later, in any court of competent jurisdiction, to compel an accounting and disclosure of such rents, profits and expenses, and until fifteen days from and after the final determination of such action the right of redemption is extended to such redemptioner or other person ~~((making such demand who shall be))~~ entitled to redeem who made the demand. If a sworn statement is given by the purchaser or other person receiving such rents and profits, and ~~((such))~~ the redemptioner or other person entitled to redeem ~~((;))~~ who ~~((makes such))~~ made the demand, desires to contest the correctness of the ~~((same))~~ statement, he or she must first redeem in



accordance with such sworn statement, and if he or she desires to bring an action for an accounting thereafter he or she may do so within thirty days after such redemption, but not later (~~(: PROVIDED, That if)~~).

(3) If such property ~~((be))~~ is farming or agricultural property and ~~((be))~~ is in possession of any purchaser or any previous redemptioner and is redeemed after the first day of April and before the first day of December, and the purchaser or previous redemptioner or ~~((his))~~ the tenant of either has performed any work in preparing such property for crops~~((:))~~ or has planted crops, ~~((he))~~ such purchaser or previous redemptioner shall ~~((be entitled to))~~ have the option to demand reimbursement for such work and labor or ~~((the right))~~ to retain possession of such property until the first day of December following, and the new redemptioner shall be entitled to collect the reasonable rental value thereof during such farming year, unless such reasonable rental shall have been collected by such purchaser or previous redemptioner and accounted for to the new redemptioner.

Sec. 710. Section 14, chapter 53, Laws of 1899 and RCW 6.24.200 are each amended to read as follows:

Until the expiration of the time allowed for redemption, the court may restrain the commission of waste on the property. But it is not waste for the person in possession of the property at the time of the sale or entitled to possession afterwards during the period allowed for redemption to continue to use it in the same manner in which it was previously used, or to use it in the ordinary course of husbandry, or to make the necessary repairs of buildings thereon, or to use wood or timber on the property therefor, or for the repairs of fences, or for fuel in his or her family while ~~((he occupies))~~ occupying the property.

Sec. 711. Section 15, chapter 53, Laws of 1899 as last amended by section 21, chapter 329, Laws of 1981 and RCW 6.24.210 are each amended to read as follows:

(1) Except as provided in this section and RCW 6.24.190, the purchaser from the day of sale until a resale or redemption, and the redemptioner from the day of ~~((his))~~ redemption until another redemption, shall be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the period of redemption (~~(: PROVIDED, That when)~~).

(2) If a mortgage contains a stipulation that in case of foreclosure the mortgagor may remain in possession of the mortgaged premises after sale and until the period of redemption has expired, the court shall make its decree to that effect and the mortgagor shall have such right (~~(: PROVIDED, FURTHER, That as)~~).

(3) As to any land so sold which is at the time of the sale used for farming purposes, or which is a part of a farm used, at the time of sale, for

farming purposes, the judgment debtor shall be entitled to retain possession thereof during the period of redemption and the purchaser or his successor in interest shall, if the judgment debtor does not redeem, have a lien upon the crops raised or harvested thereon during said period of redemption, for interest on the purchase price at the rate of six percent per annum during said period of redemption and for taxes becoming delinquent during the period of redemption together with interest thereon(~~(-AND, PROVIDED FURTHER, That))~~).

(4) In case of any homestead as defined in chapter 6.12 RCW and occupied for that purpose at the time of sale, the judgment debtor shall have the right to retain possession thereof during the period of redemption without accounting for issues or for value of occupation.

Sec. 712. Section 23, chapter 329, Laws of 1981 and RCW 6.24.230 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, during the period of redemption for any property (~~which~~) that a person would be entitled to claim as a homestead, any licensed real estate broker within the county in which the property is located may nonexclusively list the property for sale whether or not there is a listing contract. If the property is not redeemed by the judgment debtor and a sheriff's deed is issued under RCW 6.24.220, then the property owner shall accept the highest current qualifying offer upon tender of full cash payment within two banking days after notice of the pending acceptance is received by the offeror. If timely tender is not made, such offer shall no longer be deemed to be current and the opportunity shall pass to the next highest current qualifying offer, if any. Notice of pending acceptance shall be given for the first highest current qualifying offer within five days after delivery of the sheriff's deed under RCW 6.24.220 and for each subsequent highest current qualifying offer within five days after the offer becoming the highest current qualifying offer. An offer is qualifying if the offer is made during the redemption period through a licensed real estate broker listing the property and is at least equal to the sum of: (a) One hundred twenty percent greater than the redemption amount determined under RCW 6.24.140 and (b) the normal commission of the real estate broker or agent handling the offer.

(2) The proceeds shall be divided at the time of closing with: (a) One hundred twenty percent of the redemption amount determined under RCW 6.24.140 paid to the property owner, (b) the real estate broker's or agent's normal commission paid, and (c) any excess paid to the judgment debtor.

(3) Notice, tender, payment, and closing shall be made through the real estate broker or agent handling the offer.

(4) This section shall not apply to mortgage or deed of trust foreclosures under chapter 61.12 or 61.24 RCW.

PART VIII  
ATTACHMENT

NEW SECTION. Sec. 801. Unless otherwise expressly provided, all the provisions of this chapter governing attachment of personal property apply to proceedings before district courts of this state, but the district courts shall not have power to issue writs of attachment against real property or any interest in real property or against vendors' interests under real estate contracts.

Sec. 802. Section 1, page 39, Laws of 1886 and RCW 7.12.010 are each amended to read as follows:

The plaintiff at the time of commencing an action, or at any time afterward before judgment, may have the property of the defendant, or that of any one or more of several defendants, attached in the manner (~~hereinafter~~) prescribed in this chapter, as security for the satisfaction of such judgment as ~~(he)~~ the plaintiff may recover.

Sec. 803. Section 2, page 39, Laws of 1886 as last amended by section 16, chapter 154, Laws of 1973 1st ex. sess. and RCW 7.12.020 are each amended to read as follows:

The writ of attachment (~~shall~~) may be issued by (~~the clerk of~~) the court in which the action is pending (~~but before any such writ of attachment shall issue, the plaintiff, or someone in his behalf, shall make and file with such clerk an affidavit showing that the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all just credits and offsets), and that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant, and either~~) on one or more of the following grounds:

- (1) That the defendant is a foreign corporation; or
- (2) That the defendant is not a resident of this state; or
- (3) That the defendant conceals himself so that the ordinary process of law cannot be served upon him; or
- (4) That the defendant has absconded or absented himself from his usual place of abode in this state, so that the ordinary process of law cannot be served upon him; or
- (5) That the defendant has removed or is about to remove any of his property from this state, with intent to delay or defraud his creditors; or
- (6) That the defendant has assigned, secreted, or disposed of, or is about to assign, secrete, or dispose of, any of his property, with intent to delay or defraud his creditors; or
- (7) That the defendant is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or
- (8) That the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought; or

(9) That the damages for which the action is brought are for injuries arising from the commission of some felony, gross misdemeanor, or misdemeanor; or

(10) That the object for which the action is brought is to recover on a contract, express or implied.

Sec. 804. Section 3, page 39, Laws of 1886 and RCW 7.12.030 are each amended to read as follows:

An action may be commenced and the property of a debtor may be attached previous to the time when the debt becomes due, when nothing but time is wanting to fix an absolute indebtedness, and when the complaint and the affidavit allege, in addition to that fact, ~~((states))~~ one or more of the following grounds:

(1) That the defendant is about to dispose or has disposed of his property in whole or in part with intent to defraud his creditors; or

(2) That the defendant is about to remove from the state~~(;)~~ and refuses to make any arrangements for securing the payment of the debt when it falls due, and ~~((which))~~ the contemplated removal was not known to the plaintiff at the time the debt was contracted; or

~~(3) ((That the defendant has disposed of his property in whole or in part with intent to defraud his creditors; or~~

~~(4)))~~ That the debt was incurred for property obtained under false pretenses.

Sec. 805. Section 4, page 40, Laws of 1886 and RCW 7.12.040 are each amended to read as follows:

If the debt or demand for which the attachment is sued out is not due at the time of the commencement of the action, the defendant is not required to file any pleadings until the maturity of such debt or demand, but ~~((he))~~ the defendant may, in his or her discretion, do so, and go to trial as early as the cause is reached. No final judgment shall be rendered in such action until the debt or demand upon which it is based becomes due, unless the defendant consents by filing pleadings or otherwise. However, property of a perishable nature may be sold as provided in RCW 7.12.160.

**NEW SECTION.** Sec. 806. (1) The plaintiff or someone on plaintiff's behalf shall apply for a writ of attachment by affidavit, alleging that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant and also alleging that affiant has reason to believe and does believe the following, together with specific facts on which affiant's belief in the allegations is based: (a) That the defendant is indebted to the plaintiff (specifying the nature of the claim and the amount of such indebtedness over and above all just credits and offsets), and (b) that one or more of the grounds stated in RCW 7.12.020 for issuance of a writ of attachment exists.

(2) If the action is based on a debt not due, the ground alleged under subsection (1)(b) of this section must be one stated in RCW 7.12.030 for attachment on a debt not due, and affiant shall also allege reason to believe and belief that nothing but time is wanting to fix an absolute indebtedness due from defendant, together with specific facts on which the affiant's belief in the allegations is based.

**NEW SECTION.** Sec. 807. (1) Except as provided in subsection (2) of this section, the court shall issue a writ of attachment only after prior notice to defendant, given in the manner prescribed in subsections (4) and (5) of this section, with an opportunity for a prior hearing at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for attachment exists.

(2) Subject to subsection (3) of this section, the court shall issue the writ without prior notice to defendant and an opportunity for a prior hearing only if:

(a)(i) The attachment is to be levied only on real property, or (ii) if it is to be levied on personal property, the ground alleged for issuance of attachment is one appearing in RCW 7.12.020 (5) through (7) or in RCW 7.12.030(1) or, if attachment is necessary for the court to obtain jurisdiction of the action, the ground alleged is one appearing in RCW 7.12.020 (1) through (4); and

(b) The court finds, on the basis of specific facts alleged in the affidavit, after an ex parte hearing, that there is probable cause to believe the allegations of plaintiff's affidavit.

(3) If a writ is issued under subsection (2) of this section without prior notice to defendant, after seizure of property under the writ the defendant shall be entitled to prompt notice of the seizure and of a right to an early hearing, if requested, at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for attachment exists. Such notice shall be given in the manner prescribed in subsections (4) and (5) of this section.

(4) When notice and a hearing are required under this section, notice may be given by a show cause order stating the date, time, and place of the hearing. Notice required under this section shall be jurisdictional and, except as provided for published notice in subsection (5) of this section, notice shall be served in the same manner as a summons in a civil action and shall be served together with: (a) Copies of the plaintiff's affidavit and of the writ; (b) if the defendant is an individual, copies of homestead statutes, RCW 6.12.010, 6.12.045, and 6.12.050, if real property is to be attached, or copies of exemption statutes, RCW 6.16.020 and 6.16.090, if personal property is to be attached; and (c) if the plaintiff has proceeded under subsection (2) of this section, a copy of a "Notice of Right to Hearing" in substantially the following form:

**NOTICE OF RIGHT TO HEARING**

In a lawsuit against you, a Washington court has issued the Writ of Attachment included with this notice. Under the writ a sheriff or sheriff's deputy has or will put a lien against your real estate or has seized or will seize other property of yours to hold until the court decides the lawsuit.

Delivery of this notice of your rights is required by law.

**YOU HAVE THE RIGHT TO A HEARING.** At the hearing, the plaintiff must give evidence that there is probable cause to believe that the statements in the enclosed affidavit are true and also that the claim stated in the lawsuit is probably valid, or else your property will be released.

If the defendant is an individual, the following paragraph shall be added to the notice:

**YOU MAY ALSO HAVE A RIGHT TO HAVE YOUR PROPERTY RELEASED** if it is exempt property as described in the copies of statutes included with this notice and if you claim your exemptions in the way described in the statutes.

(5) If service of notice on the defendant must be effected by publication, only the following notice need be published under the caption of the case:

To Defendant:

A writ of attachment has been issued in the above-captioned case, directed to the Sheriff of ..... County, commanding the Sheriff as follows:

"WHEREAS, . . . [Quoting body of writ of attachment]"

**YOU HAVE A RIGHT TO ASK FOR A HEARING.** At the hearing, the plaintiff must give evidence that there is probable cause to believe that the ground for attachment alleged in an affidavit filed with the court exists and also that the claim stated in the lawsuit is probably valid, or else the attachment will be discharged.

If the defendant is an individual, the following paragraph shall be added to the published notice:

**YOU MAY ALSO HAVE A RIGHT TO HAVE YOUR PROPERTY RELEASED** if it is exempt property as described in Washington exemption statutes, including sections 6.12.010, 6.12-.045, 6.12.050, 6.16.020 and 6.16.090 of the Revised Code of Washington, in the manner described in those statutes.

Sec. 808. Section 6, page 40, Laws of 1886 as last amended by section 1, chapter 51, Laws of 1957 and RCW 7.12.060 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, before the writ of attachment shall issue, the plaintiff, or someone in ((his)) the plaintiff's behalf, shall execute and file with the clerk a surety bond or undertaking in the sum in no case less than three ((hundred)) thousand dollars, in the superior court, nor less than ((fifty)) five hundred dollars in the ((justice)) district court, and double the amount for which plaintiff demands judgment, or such other amount as the court shall fix, conditional that the plaintiff will prosecute ((his)) the action without delay and will pay all costs that may be adjudged to the defendant, and all damages ((which he)) that the defendant may sustain by reason of the writ of attachment or of additional writs issued as permitted under RCW 7.12.100, not exceeding the amount specified in such bond or undertaking, as the penalty thereof, should the same be wrongfully, oppressively or maliciously sued out. ((With said bond or undertaking there shall also be filed the affidavit of the sureties, from which it must appear that such sureties are qualified and that they are, taken together, worth the sum specified in the bond or undertaking, over and above all debts and liabilities, and property exempt from execution. No person not qualified to become surety as provided by law, shall be qualified to become surety upon a bond or undertaking for an attachment: PROVIDED, That when))

(2) If it is desired to attach real estate only, and such fact is stated in the affidavit for attachment, and the ground of attachment is that the defendant is a foreign corporation or is not a resident of the state, or conceals himself or herself or has absconded or is absent from his or her usual place of abode so that the ordinary process of law cannot be served upon him or her, ((or has absconded or absented himself from his usual place of abode, so that the ordinary process of law cannot be served upon him;)) the writ of attachment shall issue without bond or undertaking by or on behalf of the plaintiff((: AND PROVIDED FURTHER, That when the claim, debt or obligation whether in contract or tort, upon which plaintiff's cause of action is based, shall have been assigned to him, and his)).

(3) If the plaintiff sues on an assigned claim and the plaintiff's immediate or any other assignor thereof retains or has any interest ((therein)) in the claim, then the plaintiff and every assignor ((of said claim, debt or obligation)) who retains or has any interest therein((:)) shall be jointly and severally liable ((to the defendant)) for all costs that may be adjudged to ((him)) the defendant and for all damages ((which he)) that the defendant may sustain by reason of the attachment, should the same be wrongfully, oppressively or maliciously sued out.

Sec. 809. Section 7, page 40, Laws of 1886 and RCW 7.12.070 are each amended to read as follows:

The defendant may, at any time before judgment, move the court or judge for additional security on the part of the plaintiff, or for security if none was required under RCW 7.12.060, and if, on such motion, the court or judge is satisfied that security or additional security should be required or that the surety in the plaintiff's bond has removed from this state(;) or is not sufficient, the attachment may be vacated, and restitution directed of any property taken under it, unless in a reasonable time, to be fixed by the court or judge, further security is given by the plaintiff in form as provided in RCW 7.12.060.

Sec. 810. Section 8, page 41, Laws of 1886 and RCW 7.12.080 are each amended to read as follows:

In an action on such bond ~~((the plaintiff therein may recover))~~, if ~~((he shows))~~ it is shown that the attachment was wrongfully sued out, ~~((and that there was no reasonable cause to believe the ground upon which the same was issued to be true;))~~ the defendant may recover the actual damages sustained and reasonable attorney's fees to be fixed by the court~~((and))~~. If it ~~((be))~~ is shown that such attachment was sued out maliciously, ~~((he))~~ the defendant may recover exemplary damages, ~~((nor need he))~~ and the defendant need not wait until the principal suit is determined before suing on the bond.

Sec. 811. Section 9, page 41, Laws of 1886 and RCW 7.12.090 are each amended to read as follows:

The writ of attachment shall be directed to the sheriff of any county in which property of the defendant may be, and shall require ~~((him))~~ the sheriff to attach and safely keep the property of such defendant within ~~((his))~~ the county, to the requisite amount, which shall be stated in conformity with the affidavit. The sheriff shall in all cases attach the amount of property directed, if sufficient property not ~~((exempt))~~ exempted from execution be found in ~~((his))~~ the county, giving that in which the defendant has a legal and unquestionable title a preference over that in which ~~((his))~~ title is doubtful or only equitable, and ~~((he))~~ the sheriff shall as nearly as the circumstances of the case will permit, levy upon property fifty percent greater in valuation than the amount that the plaintiff in ~~((his))~~ the affidavit claims to be due. When property is seized on attachment, the court may allow to the officer having charge thereof such compensation for ~~((his))~~ the trouble and expenses in keeping the same as shall be reasonable and just.

Sec. 812. Section 10, page 41, Laws of 1886 and RCW 7.12.100 are each amended to read as follows:

If a writ of attachment has been issued in a case, other writs of attachment may be issued in the same case from the ~~((superior))~~ court~~((s))~~ to different counties, and several may, at the option of the plaintiff, be issued at the same time, or in succession and subsequently, until sufficient property has been attached; but only those executed shall be taxed in the costs, unless



otherwise ordered by the court, and if more property is attached in the aggregate than the plaintiff is entitled to have held, the surplus must be abandoned and the plaintiff pay all costs incurred in relation to such surplus. After the first writ (~~shall have~~) has issued, it shall not be necessary for the plaintiff to file any further affidavit or bond unless the court otherwise directs, but (~~he~~) the plaintiff shall be entitled to as many writs as may be necessary to secure the amount claimed.

Sec. 813. Section 11, page 41, Laws of 1886 and RCW 7.12.110 are each amended to read as follows:

The sheriff or other officer shall indorse upon the writ of attachment in ink the day, hour, and minute when the writ first came into the officer's hands. Where there are several attachments against the same defendant, they shall be executed in the order in which they were received by the sheriff.

**NEW SECTION.** Sec. 814. The sheriff shall levy on property to be attached in the same manner as provided for execution in RCW 7.12.130, section 417 of this 1987 act, and RCW 6.04.120.

Sec. 815. Section 12, page 42, Laws of 1886 and RCW 7.12.120 are each amended to read as follows:

If, after an attachment has been placed in the hands of the sheriff, any property of the defendant is moved from the county, the sheriff may pursue and attach the (~~same~~) property in an adjoining county(;) within twenty-four hours after removal.

Sec. 816. Section 21, page 43, Laws of 1886 as amended by section 2, chapter 100, Laws of 1927 and RCW 7.12.200 are each amended to read as follows:

The sheriff shall make a full inventory of the property attached and return the (~~same~~) inventory with the writ of attachment within twenty days of receipt of the writ, with a return of the proceedings indorsed on or attached to the writ. If the writ was issued at the same time as the summons, the sheriff shall return the writ with the summons.

Sec. 817. Section 14, page 42, Laws of 1886 and RCW 7.12.140 are each amended to read as follows:

Whenever it appears by the affidavit of the plaintiff that the plaintiff has probable cause to believe that a ground for attachment exists and it appears by the plaintiff's affidavit or by the return of the attachment that no property is known to the plaintiff or officer on which the attachment can be executed, or not enough to satisfy the plaintiff's claim, and it being shown to the court or judge by affidavit that the defendant has property within the state not (~~exempt~~) exempted, the defendant may be required by such court or judge to attend before the court or judge or referee appointed by the court or judge and give information on oath respecting the (~~same~~) property.

Sec. 818. Section 31, page 45, Laws of 1886 as amended by section 1, chapter 131, Laws of 1927 and RCW 7.12.270 are each amended to read as follows:

(1) The defendant may at any time, after ~~((he has appeared))~~ appearing in the action and before ~~((he has given))~~ giving bond ~~((to the effect that he will perform the judgment of the court,))~~ as provided in RCW 7.12.250, apply on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought or to the judge thereof, that the writ of attachment be discharged on the ground that ~~((the same))~~ it was improperly or irregularly issued.

(2) If the motion is made on affidavits on the part of the defendant, the plaintiff may oppose the same by affidavits in addition to those on which the attachment was issued or by other evidence, unless otherwise ordered by the court.

(3) If upon application it satisfactorily appears that the writ of attachment was improperly or irregularly issued, it must be discharged.

(4) Whenever an order has been made discharging or releasing an attachment upon real property, a certified copy of such order may be recorded with the recording officer of the county in which the writ of attachment has been recorded.

Sec. 819. Section 29, page 45, Laws of 1886 and RCW 7.12.250 are each amended to read as follows:

If the defendant, at any time before judgment, causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the attachment or after the return thereof by the clerk ~~((to the effect that he will perform)),~~ conditional on the performance of the judgment of the court, the attachment shall be discharged and restitution made of property taken or proceeds thereof. The execution of such bond shall be deemed an appearance of such defendant to the action. The bond shall be part of the record and, if judgment goes against the defendant, the judgment shall be entered against the defendant and the sureties.

Sec. 820. Section 15, page 42, Laws of 1886 as amended by section 9, chapter 9, Laws of 1957 and RCW 7.12.150 are each amended to read as follows:

The court before whom the action is pending may at any time appoint a receiver to take possession of property attached under the provisions of this chapter~~((;))~~ and to collect, manage, and control the ~~((same))~~ property and pay over the proceeds according to the nature of the property and the exigency of the case.

NEW SECTION. Sec. 821. (1) If, before or after levy under a writ of attachment, the plaintiff receives notice that the defendant has become a debtor in a bankruptcy case, the plaintiff shall immediately give written notice of that fact to the sheriff.

(2) If, before levying under a writ of attachment, a sheriff receives notice that the defendant has become a debtor in a bankruptcy case, the sheriff shall immediately give written notice of that fact to the plaintiff's attorney of record, if any, otherwise to the plaintiff, and shall not be bound to levy under the writ. If, after levying on property under a writ of attachment, a sheriff receives such notice, the sheriff shall give written notice of the attachment, describing the property seized, to the trustee in the bankruptcy case if there is one, otherwise to the bankruptcy court, with a copy to the plaintiff's attorney of record, if any, otherwise to the plaintiff, and shall transfer the property to the trustee on demand or as the bankruptcy court otherwise directs. If no demand is made on the sheriff for surrender of the property and the sheriff thereafter receives notice of the closing of the bankruptcy case, the sheriff shall give written notice by first class mail to the plaintiff's attorney of record, if any, otherwise to the plaintiff, requiring that the plaintiff release the property or obtain a renewal of the writ from the court, and, if the plaintiff fails to release the property or to apply for a renewal within fourteen days after the mailing of the sheriff's notice, the sheriff may release the property to the defendant.

Sec. 822. Section 16, page 42, Laws of 1886 as amended by section 2, chapter 51, Laws of 1957 and RCW 7.12.160 are each amended to read as follows:

If any property attached be perishable or in danger of serious and immediate waste or decay, the sheriff shall sell the same in the manner in which such property is sold on execution. Whenever it shall be made to appear satisfactorily to the court or judge that the interest of the parties to the action will be subserved by a sale of any attached property, the court or judge may order such property to be sold in the same manner as like property is sold under execution. Such order shall be made only upon notice to the adverse party or ~~((his))~~ that party's attorney in case such party shall have been personally served with a summons in the action.

Sec. 823. Section 17, page 43, Laws of 1886 and RCW 7.12.170 are each amended to read as follows:

All moneys received by the sheriff under the provisions of this chapter shall be paid to the clerk of the court that issued the writ, to be held to be applied to any judgment that may be recovered in the action, and all other attached property shall be retained by ~~((him))~~ the sheriff to ~~((answer))~~ be applied to any judgment that may be recovered in the action ~~((unless sooner subjected to execution upon another judgment recovered previous to the issuing of the attachment))~~.

Sec. 824. Section 25, page 44, Laws of 1886 as amended by section 4, chapter 51, Laws of 1957 and RCW 7.12.210 are each amended to read as follows:

If judgment ~~((be))~~ is recovered by the plaintiff ~~((the sheriff shall satisfy the same)),~~ it shall be paid out of any proceeds held by the clerk of the court and out of the property ~~((attached by him which has not been delivered to the defendant or claimant as in this chapter provided or subjected to execution on another judgment recovered previous to the issuing of the attachment, if it be))~~ retained by the sheriff if it is sufficient for that purpose as follows:

(1) By applying on the execution issued on said judgment the proceeds of all sales of perishable or other property sold ~~((by him)),~~ or so much as shall be necessary to satisfy the judgment.

(2) If any balance remains due ~~((he)),~~ the sheriff shall sell under the execution so much of the personal property ~~((real or personal;))~~ attached as may be necessary to satisfy the balance ~~((; if enough for that purpose remain in his hands))~~ and, if there is not sufficient personal property to satisfy the balance, the sheriff shall sell so much of any real property attached as is necessary to satisfy the judgment.

Notice of ~~((the))~~ sale shall be given and ~~((the))~~ sale conducted as in other cases of sales on execution.

Sec. 825. Section 26, page 44, Laws of 1886 as amended by section 5, chapter 51, Laws of 1957 and RCW 7.12.220 are each amended to read as follows:

If, after ~~((selling))~~ the proceeds of all the property attached ~~((by him remaining in his hands, and applying the proceeds, deducting his fees;))~~ have been applied to the payment of the judgment, any balance ~~((shall))~~ remains due, the sheriff shall proceed ~~((to collect such balance))~~ as upon an execution in other cases. Whenever the judgment ~~((shall have))~~ has been paid, the sheriff, upon reasonable demand, shall deliver ~~((over))~~ to the defendant the attached property remaining ~~((in his hands))~~ and the clerk shall pay to the defendant any remaining proceeds of the property attached ~~((unapplied))~~ that have not been applied on the judgment.

Sec. 826. Section 27, page 45, Laws of 1886 and RCW 7.12.230 are each amended to read as follows:

If the execution ~~((be))~~ is returned unsatisfied, in whole or in part, the plaintiff may proceed as in other cases upon the return of an execution.

Sec. 827. Section 28, page 45, Laws of 1886 and RCW 7.12.240 are each amended to read as follows:

If the defendant recovers judgment against the plaintiff, all the proceeds of sales and money collected by the sheriff and deposited with the clerk and all the property attached ~~((remaining in))~~ and retained by the sheriff ~~((s hands))~~ shall be delivered to the defendant or ~~((his))~~ the defendant's agent. The order of attachment shall be discharged and the property released therefrom.

Sec. 828. Section 35, page 46, Laws of 1886 and RCW 7.12.310 are each amended to read as follows:

This chapter shall be liberally construed, and the plaintiff, at any time when objection is made thereto, shall be permitted to amend any defect in the complaint, affidavit, bond, writ or other proceeding, and no attachment shall be quashed or dismissed, or the property attached released, if the defect in any of the proceedings has been or can be amended so as to show that a legal cause for the attachment existed at the time it was issued, and the court shall give the plaintiff a reasonable time to perfect such defective proceedings. (~~The causes for attachment shall not be stated in the alternative.~~)

NEW SECTION. Sec. 829. The following acts or parts of acts are each repealed:

- (1) Section 5, page 40, Laws of 1886 and RCW 7.12.050;
- (2) Section 20, page 43, Laws of 1886, section 3, chapter 51, Laws of 1957 and RCW 7.12.190;
- (3) Section 30, page 45, Laws of 1886 and RCW 7.12.260;
- (4) Section 32, page 45, Laws of 1886 and RCW 7.12.280;
- (5) Section 33, page 45, Laws of 1886 and RCW 7.12.290;
- (6) Section 34, page 45, Laws of 1886 and RCW 7.12.300; and
- (7) Section 37, page 46, Laws of 1886 and RCW 7.12.330.

NEW SECTION. Sec. 830. The following acts or parts of acts are each repealed:

- (1) Section 86, page 238, Laws of 1854, section 85, page 350, Laws of 1873, section 1786, Code of 1881 and RCW 12.24.010;
- (2) Section 87, page 238, Laws of 1854, section 86, page 351, Laws of 1873, section 1787, Code of 1881 and RCW 12.24.020;
- (3) Section 88, page 238, Laws of 1854, section 87, page 351, Laws of 1873, section 1788, Code of 1881 and RCW 12.24.030;
- (4) Section 91, page 238, Laws of 1854, section 90, page 352, Laws of 1873, section 1791, Code of 1881, section 14, chapter 89, Laws of 1957 and RCW 12.24.040;
- (5) Section 89, page 238, Laws of 1854, section 88, page 351, Laws of 1873, section 1789, Code of 1881, section 15, chapter 89, Laws of 1957 and RCW 12.24.050;
- (6) Section 90, page 238, Laws of 1854, section 89, page 351, Laws of 1873, section 1790, Code of 1881, section 16, chapter 89, Laws of 1957 and RCW 12.24.060;
- (7) Section 92, page 239, Laws of 1854, section 91, page 352, Laws of 1873, section 1792, Code of 1881 and RCW 12.24.070;
- (8) Section 93, page 239, Laws of 1854, section 92, page 352, Laws of 1873, section 1793, Code of 1881 and RCW 12.24.080;
- (9) Section 94, page 239, Laws of 1854, section 93, page 352, Laws of 1873, section 1794, Code of 1881 and RCW 12.24.090;

(10) Section 95, page 240, Laws of 1854, section 94, page 352, Laws of 1873, section 1795, Code of 1881, section 1, chapter 21, Laws of 1984 and RCW 12.24.100;

(11) Section 96, page 240, Laws of 1854, section 95, page 352, Laws of 1873, section 1796, Code of 1881 and RCW 12.24.110;

(12) Section 97, page 240, Laws of 1854, section 96, page 352, Laws of 1873, section 1797, Code of 1881 and RCW 12.24.120;

(13) Section 98, page 240, Laws of 1854, section 97, page 353, Laws of 1873, section 1798, Code of 1881 and RCW 12.24.130;

(14) Section 4, chapter 254, Laws of 1983, section 94, chapter 258, Laws of 1984 and RCW 12.24.135;

(15) Section 99, page 240, Laws of 1854, section 98, page 353, Laws of 1873, section 1799, Code of 1881 and RCW 12.24.140;

(16) Section 100, page 240, Laws of 1854, section 99, page 353, Laws of 1873, section 1800, Code of 1881 and RCW 12.24.150;

(17) Section 101, page 241, Laws of 1854, section 100, page 354, Laws of 1873, section 1801, Code of 1881 and RCW 12.24.160;

(18) Section 102, page 241, Laws of 1854, section 101, page 354, Laws of 1873, section 1802, Code of 1881 and RCW 12.24.170;

(19) Section 103, page 241, Laws of 1854, section 102, page 354, Laws of 1873, section 1803, Code of 1881 and RCW 12.24.180;

(20) Section 106, page 241, Laws of 1854, section 105, page 354, Laws of 1873, section 1806, Code of 1881 and RCW 12.24.190;

(21) Section 107, page 241, Laws of 1854, section 106, page 355, Laws of 1873, section 6, page 202, Laws of 1877, section 1807, Code of 1881 and RCW 12.24.200; and

(22) Section 108, page 242, Laws of 1854, section 89, page 355, Laws of 1863, section 107, page 355, Laws of 1873, section 1808, Code of 1881 and RCW 12.24.210.

## PART IX PREJUDGMENT GARNISHMENT

**NEW SECTION.** Sec. 901. Except as limited by RCW 7.33.060, relating to the state and other public entities, and RCW 7.33.350, relating to continuing liens on earnings, the plaintiff at the time of commencing an action, or at any time thereafter before judgment in an action, may obtain a prejudgment writ of garnishment from a superior or district court of this state before which the action is pending on the following grounds:

(1) If the writ is directed to other than an employer and for a purpose other than garnishing a defendant's earnings as defined in section 1001 of this act, (a) on the ground that an attachment has been issued in accordance with chapter 7.12 RCW, (b) on the ground that the plaintiff sues on a debt that is due and owing and unpaid, or (c) on one or more of the grounds for issuance of attachment stated in RCW 7.12.020 or 7.12.030; or

(2) If the writ is directed to an employer for the purpose of garnishing earnings of a defendant, on the grounds that the defendant:

- (a) Is not a resident of this state, or is about to move from this state; or
- (b) Has concealed himself or herself, absconded, or absented himself or herself so that ordinary process of law cannot be served on him or her; or
- (c) Has removed or is about to remove any of his or her property from this state, with intent to delay or defraud his or her creditors.

Sec. 902. Section 3, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.030 are each amended to read as follows:

In all cases of garnishment before judgment, before the writ shall issue, the plaintiff shall pay the fee described in RCW 7.33.040 and shall execute and file with the clerk a bond with ((two or more good and)) sufficient sureties, to be approved by the clerk of the court issuing the writ, payable to the defendant in the suit, in double the amount of the debt claimed therein, conditioned that ((he)) the plaintiff will prosecute ((his)) the suit without delay and pay all damages and costs that may be adjudged against him or her for wrongfully suing out such garnishment ((~~PROVIDED, That nothing in this section shall prohibit a credit agency, or other party contemplating multiple garnishments before judgment, from posting one large bond covering more than one garnishment proceeding~~)).

NEW SECTION. Sec. 903. In an action on the bond under RCW 7.33.030, if it is shown that the garnishment was wrongfully sued out, the defendant may recover the actual damages sustained and reasonable attorney's fees to be fixed by the court. If it is shown that such garnishment was sued out maliciously, the defendant may also recover exemplary damages, and the defendant need not wait until the principal suit is determined before suing on the bond by counterclaim in the original action or in a separate action.

Sec. 904. Section 34, chapter 264, Laws of 1969 ex. sess. as amended by section 4, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.340 are each amended to read as follows:

In all actions in which a prejudgment writ of garnishment has been issued by a court and served upon a garnishee, in the event judgment is not entered for the plaintiff on the claim sued upon by plaintiff, and the claim has not voluntarily been settled or otherwise satisfied, the defendant shall have an action for damages against the plaintiff. The defendant's action for damages may be brought by way of a counterclaim in the original action or in a separate action and, in the action the trier of fact, in addition to other actual damages sustained by the defendant, may award ((him)) the defendant reasonable attorney's fees.

NEW SECTION. Sec. 905. The plaintiff or someone on the plaintiff's behalf shall apply for a prejudgment writ of garnishment by affidavit, alleging that the garnishment is not sought and the action is not prosecuted to

hinder, delay, or defraud any creditor of the defendant and also alleging that the affiant has reason to believe and does believe the following, together with specific facts on which the affiant's belief in the allegations is based: (1) That the defendant is indebted to the plaintiff (specifying the nature of the claim and the amount of such indebtedness over and above all just credits and offsets); (2) that one or more of the grounds for prejudgment garnishment established in section 901 of this act exists; (3) that the plaintiff has reason to believe, and does believe, that the garnishee, stating the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or that the garnishee has possession or control of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law; (4) whether or not the garnishee is the employer of the defendant; and (5) if the action is based on a debt not due, that nothing but time is wanting to fix an absolute indebtedness due from the defendant.

**NEW SECTION.** Sec. 906. (1) When application is made for a prejudgment writ of garnishment, the court shall issue the writ in substantially the form prescribed in RCW 7.33.050, 7.33.120, and 7.33.110 directing that the garnishee withhold an amount as prescribed in RCW 7.33.090, but, except as provided in subsection (2) of this section, the court shall issue the writ only after prior notice to the defendant, given in the manner prescribed in subsections (4) and (5) of this section, with an opportunity for a prior hearing at which the plaintiff shall establish the probable validity of the plaintiff's claim and that there is probable cause to believe that the alleged ground for garnishment exists.

(2) Subject to subsection (3) of this section, the court shall issue the writ without prior notice to the defendant and without an opportunity for a prior hearing only if:

(a) A ground alleged in the plaintiff's affidavit is: (i) A ground appearing in section 901(2)(c) of this act if the writ is to be directed to an employer for the purpose of garnishing the defendant's earnings; or (ii) a ground appearing in RCW 7.12.020 (5) through (7) or in RCW 7.12.030(1) of the attachment chapter; or (iii) if garnishment is necessary to permit the court to acquire jurisdiction over the action, the ground alleged is one appearing in RCW 7.12.020 (1) through (4) or in section 901(2) (a) or (b) of this act; and

(b) The court finds on the basis of specific facts, after an ex parte hearing, that there is probable cause to believe the allegations of the plaintiff's affidavit.

(3) If a writ is issued under subsection (2) of this section without prior notice to the defendant, after service of the writ on the garnishee, the defendant shall be entitled to prompt notice of the garnishment and a right to an early hearing, if requested, at which the plaintiff shall establish the



probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for garnishment exists.

(4) When notice and a hearing are required under this section, notice may be given by a show cause order stating the date, time, and place of the hearing. Notice required under this section shall be jurisdictional and, except as provided for published notice in subsection (5) of this section, notice required under this section shall be served in the same manner as a summons in a civil action and shall be served together with (a) copies of plaintiff's affidavit and of the writ, and (b) a copy of the following "Notice of Right to a Hearing" or, if defendant is an individual, a copy of the claim form and the "Notice of Garnishment and of Your Rights" prescribed by section 1014 of this act, in which the following notice is substituted for the first paragraph of said Notice:

#### NOTICE OF RIGHT TO HEARING

The writ of garnishment served with this Notice has been issued by a Washington court and has been or will be served on the garnishee defendant. It will require the garnishee defendant to withhold payment of money that may be due to you and to withhold other property of yours that the garnishee may hold or control until a lawsuit in which you are a defendant has been decided by the court. Service of this notice of your rights is required by law.

**YOU HAVE A RIGHT TO A HEARING.** At the hearing, the plaintiff must give evidence that there is probable cause to believe that the statements in the enclosed affidavit are true and also that the claim stated in the lawsuit is probably valid, or else the garnishment will be released.

(5) If service of notice on the defendant must be effected by publication, only the following notice need be published under the caption of the case:

To, Defendant:

A writ of prejudgment garnishment has been issued in the above captioned case, directed to . . . . . as Garnishee Defendant, commanding the Garnishee to withhold amounts due you or to withhold any of your property in the Garnishee's possession or control for application to any judgment that may be entered for plaintiff in the case.

**YOU HAVE A RIGHT TO ASK FOR A HEARING.** At the hearing, the plaintiff must give evidence that there is probable cause to believe that the ground for garnishment alleged in an affidavit filed with the court exists and also that the claim stated in the lawsuit is probably valid, or else the garnishment will be released.

If the defendant is an individual, the following paragraph shall be added to the published notice:

**YOU MAY ALSO HAVE A RIGHT TO HAVE THE GARNISHMENT RELEASED** if amounts or property withheld are exempt under federal or state statutes, for example, bank accounts in which benefits such as Aid to Families with Dependent children (AFDC), Supplemental Security Income (SSI), Social Security, United States pension, Unemployment Compensation, or Veterans' benefits have been deposited or certain personal property described in section 6.16.020 of the Revised Code of Washington.

NEW SECTION. Sec. 907. Except as otherwise provided, the provisions of chapter 7.33 RCW governing garnishments apply to prejudgment garnishments.

NEW SECTION. Sec. 908. The following acts or parts of acts are each repealed:

- (1) Section 7, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.070;
- (2) Section 8, chapter 264, Laws of 1969 ex. sess., section 2, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.080;
- (3) Section 10, chapter 264, Laws of 1969 ex. sess. and RCW 7.33-.100;
- (4) Section 12, chapter 264, Laws of 1969 ex. sess. and RCW 7.33-.120;
- (5) Section 25, chapter 264, Laws of 1969 ex. sess., section 4, chapter 41, Laws of 1983 1st ex. sess. and RCW 7.33.250; and
- (6) Section 9, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.390.

## PART X GARNISHMENT

NEW SECTION. Sec. 1001. (1) As used in this chapter, the term "earnings" means compensation paid or payable to an individual for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(2) As used in this chapter, the term "disposable earnings" means that part of earnings remaining after the deduction from those earnings of any amounts required by law to be withheld.

Sec. 1002. Section 1, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.010 are each amended to read as follows:

(1) (~~Except as is provided in subsection (2) of this section,~~) The clerks of the superior courts and district courts (~~(in the various counties in the))~~ of this state may issue writs of garnishment returnable to their respective courts (~~(in the following cases:~~

~~(a) Where an original attachment has been issued in accordance with the statutes in relation to attachments:~~

~~(b) Where the plaintiff sues for a debt and the plaintiff or someone in his behalf makes affidavit that such debt is just, due and unpaid, and that the garnishment applied for is not sued out to injure either the defendant or the garnishee:~~

~~(c) Where the plaintiff) for the benefit of a judgment creditor who has a judgment wholly or partially unsatisfied in the court from which ((he seeks to have a writ of garnishment issued)) the garnishment is sought.~~

~~(2) ((A writ of garnishment which is not sought in order to satisfy an existing judgment shall not be issued by the clerk of the superior court against any employer for the purpose of garnishing any earnings he owes his employee, unless the plaintiff sues for a debt and the plaintiff believes that the employee:~~

~~(a) is not a resident of this state, or is about to move from this state; or~~

~~(b) has concealed himself, absconded, or absented himself so that ordinary process of law cannot be served on him; or~~

~~(c) has removed or is about to remove any of his property from this state, with intent to delay or defraud his creditors; and the plaintiff or someone on his behalf files an affidavit stating the specific facts upon which his belief is founded and the court pursuant to an ex parte hearing finds that there is sufficient reason to find the belief true.~~

~~(3) As used in this chapter, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program)) Except as otherwise provided in RCW 7.33.060 and 7.33.350, the superior courts and district courts of this state may issue prejudgment writs of garnishment to a plaintiff at the time of commencement of an action or at any time afterward, subject to the requirements of chapter 6.— RCW (part IX of this act).~~

Sec. 1003. Section 2, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.020 are each amended to read as follows:

All ((of)) the provisions of this chapter((, except the provisions of RCW 7.33.030;)) shall apply to ((actions and)) proceedings before ((courts of limited jurisdiction)) district courts of this state. ((Where proceedings are in courts of limited jurisdiction, references to the superior court and/or the clerk thereof shall be translated to apply to the appropriate court of limited jurisdiction and/or clerk thereof;))

Sec. 1004. Section 6, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.060 are each amended to read as follows:

The state of Washington, all counties, cities, towns, school districts and other municipal corporations shall be subject to garnishment after judgment has been entered in the principal action, but not before, in the superior and

((justice)) district courts, in the same manner and with the same effect, as provided in the case of other garnishees.

The venue of any such garnishment proceeding shall be the same as for the original action, and the writ shall be issued by the clerk of the court having jurisdiction of such original action.

The writ of garnishment shall be served in the same manner and upon the same officer as is required for service of summons upon the commencement of a civil action against the state, county, city, town, school district, or other municipal corporation, as the case may be.

Sec. 1005. Section 19, page 43, Laws of 1886 as amended by section 1, chapter 101, Laws of 1927 and RCW 7.12.180 are each amended to read as follows:

A sheriff(~~(, constable or any))~~ or other peace officer (~~(may be garnished for)~~) who holds money of the defendant (~~(in his hands but nothing herein shall be construed as permitting the garnishment of a sheriff, constable or other peace officer)~~) is subject to garnishment, excepting only for money or property taken from a person arrested by such officer, at the time of the arrest. A judgment debtor of the defendant (~~(may be garnished)~~) is subject to garnishment when the judgment has not been previously assigned on the record or by writing filed in the office of the clerk(~~(, and by him))~~ of the court that entered the judgment and minuted by the clerk as an assignment (~~(on the margin of))~~ in the execution docket(~~(, and also))~~. An executor or administrator (~~(may be garnished)~~) is subject to garnishment for money due from the decedent to the defendant.

Sec. 1006. Section 4, chapter 264, Laws of 1969 ex. sess. as last amended by section 3, chapter 193, Laws of 1981 and RCW 7.33.040 are each amended to read as follows:

(~~(Before the issuance of the writ of garnishment))~~ The judgment creditor as the plaintiff or someone in (~~(his))~~ the judgment creditor's behalf shall (~~(make application therefor))~~ apply for a writ of garnishment by affidavit, stating the following facts (~~(authorizing the issuance of the writ, including))~~): (1) The plaintiff has a judgment wholly or partially unsatisfied in the court from which the writ is sought; (2) the amount alleged to be due(~~(; and that))~~ under that judgment; (3) the plaintiff has reason to believe, and does believe(~~(, (a))~~) that the garnishee, stating (~~(his))~~ the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or (~~(fb))~~) that (~~(he))~~ the garnishee has (~~(in his))~~ possession(~~(;)~~) or (~~(under his))~~ control(~~(;)~~) of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law(~~(;)~~); and (4) whether or not the garnishee is the employer of the judgment debtor.

The judgment creditor shall pay to the clerk of the superior court the fee provided by RCW 36.18.020, or to the clerk of the ((justice)) district

court the fee of two dollars. (~~The party applying for this writ shall state in such affidavit whether or not the party who is to be the garnishee is the employer of the defendant.~~)

Sec. 1007. Section 1, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.050 are each amended to read as follows:

When application for a writ of garnishment is made by a judgment creditor and the ((foregoing requisites)) requirements of RCW 7.33.040 have been complied with, the clerk shall docket the case in the names of the ((plaintiff)) judgment creditor as plaintiff, the judgment debtor as defendant, and ((of)) the garnishee as garnishee defendant, and shall immediately issue and deliver a writ of garnishment((:)) to the judgment creditor in ((such)) the form ((as provided)) prescribed in RCW 7.33.110, directed to the garnishee, commanding ((him)) the garnishee to answer said writ on forms served with the writ and complying with RCW 7.33.150 within twenty days after the service of the writ upon ((him)) the garnishee.

The writ of garnishment shall be dated and attested as in the form prescribed in RCW 7.33.110. The name and office address of the plaintiff's attorney shall be indorsed thereon or, in case the plaintiff has no attorney, the name and address of the plaintiff shall be indorsed thereon. The address of the clerk's office shall appear at the bottom of the writ.

**NEW SECTION.** Sec. 1008. A writ of garnishment directed to a bank, banking association, mutual savings bank, savings and loan association, or credit union that maintains branch offices may identify a particular branch or the financial institution as the garnishee defendant, and the statement required by RCW 7.33.130(2) may be incorporated in the writ or served separately. Service shall be as required by RCW 7.33.130 except that, if the financial institution is named as garnishee defendant, service shall be on the head office or on any other office designated by the financial institution for receipt of service of process. If the branch is named as garnishee defendant, service shall be as required by RCW 7.33.130 and shall be effective only to attach the accounts, credits, or other personal property of the defendant in the particular branch to which the writ is directed and on which service is made.

Sec. 1009. Section 9, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.090 are each amended to read as follows:

The writ of garnishment shall set forth in the first paragraph the amount ((which)) that garnishee is required to hold, which shall be an amount determined as follows: (1) The amount of ((a)) the judgment remaining unsatisfied or ((b)) if before judgment, the amount prayed for in the complaint; (2) plus interest to the date of garnishment ((at the rate specified in the contractual document or the statutory rate, if there be no contractual document)), as provided in RCW 4.56.110; (3) plus whichever shall be greater of (a) fifty dollars ((or)), (b) statutory costs, or (c) ten

percent of (i) the amount of the judgment remaining unsatisfied or (ii) the amount prayed for in the complaint. The court may, by order, set a higher amount to be held upon a showing of good cause by plaintiff(~~(, set a higher amount)~~).

Sec. 1010. Section 11, chapter 264, Laws of 1969 ex. sess. as amended by section 4, chapter 193, Laws of 1981 and RCW 7.33.110 are each amended to read as follows:

~~((Said))~~ The writ shall be substantially in the following form: PROVIDED, That if the writ is issued under a court order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or court order for child support": AND PROVIDED FURTHER, That if the garnishment is for a continuing lien, the form shall be modified as provided in RCW 7.33.360:

"IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF .....

.....

Plaintiff,

No. ....

vs.

.....

Defendant

WRIT OF  
GARNISHMENT

.....

Garnishee Defendant

THE STATE OF WASHINGTON TO: .....

Garnishee Defendan

AND TO: .....

Defendant

The above-named plaintiff (~~(claims)~~) has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount ((of ..... dollars should)) to be held to satisfy that indebtedness ((and has applied for a writ of garnishment against you)) is \$ ....., consisting of:

Balance on Judgment or Amount  
of Claim

\$ .....

Interest under Judgment from

..... to .....

\$ .....

Allowed Costs and Attorneys' Fees

\$ .....

Estimated Garnishment Costs:

Service Fees

\$ .....

Certified Mail

\$ .....

<u>Attorney's Fee</u>	<u>\$ 50.00</u>
<u>Answer Fee or Fees</u>	<u>\$ .....</u>
<u>Other</u>	<u>\$ .....</u>

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court or by this writ, not to pay any debt, whether wages subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

~~((You are hereby commanded))~~ YOU ARE FURTHER COMMANDED to answer this writ by filling in the attached form according to the instructions ~~((thereon, and you must))~~ in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or ((his)) the plaintiff's attorney, and one copy to the defendant ((within twenty days after the service of the writ upon you)), in the envelopes provided.

If, at the time this writ was served, you ~~((owe))~~ owed the defendant any wages, salary, commission, bonus, or other compensation for personal services or any periodic payments pursuant to a pension or retirement program, ((then you shall do as follows:

~~(1) For each week of such wages, salary or other compensation for personal services you owe the defendant, deduct twenty-five percent of the disposable earnings of defendant, or the amount by which his disposable earnings exceed ..... dollars for each week, whichever shall be less.~~

~~(2) The total amount deducted above is subject to garnishment, and all other sums shall be paid to the defendant on the day you would customarily pay him such wages, salary or other compensation.~~

~~(3) Do not make any deduction if the defendant's wages, salary or other compensation does not exceed ..... dollars for each week of such wages, salary or other compensation you owe the defendant. This weekly amount is exempt by law from garnishment and must be paid to the defendant.~~

Unless directed by the court, do not pay any debt, whether wages subject to this garnishment or any other debt, owed the defendant when this writ was served, or deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control when this writ was served; any such payment, delivery, sale or transfer is void as to so much of the debt, property or shares as are necessary to satisfy plaintiff's claim and costs for this writ with interest)) the defendant is entitled to receive amounts that are exempt from garnishment

under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or \$ ..... for each week of compensation or other periodic payment due, to be calculated as provided in the answer. However, if this writ carries a statement in the heading that "This garnishment is based on a judgment or court order for child support," the basic exempt amount is forty percent of disposable earnings.

~~((In the event that))~~ If you owe ((to)) the defendant a debt payable in money ((and subject to this garnishment)) in excess of the amount set forth in the first paragraph of this ((garnishment)) writ, hold only the amount set forth in ((said)) the first paragraph ((of this garnishment)) and release all additional funds or property to defendant.

**YOUR FAILURE TO ANSWER THIS WRIT AS COMMANDED WILL RESULT IN A JUDGMENT BEING ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTERESTS AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT((; YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR THE DEFENDANT'S CLAIMED DEBT TO THE PLAINTIFF.**

~~NOTICE TO DEFENDANT: THE LAW MAY PROTECT CERTAIN TYPES AND AMOUNTS OF YOUR INCOME AND PROPERTY FROM GARNISHMENT. TO CLAIM SUCH EXEMPTIONS, YOU MUST FILE A SWORN STATEMENT WITH THE COURT WITHIN TWENTY DAYS AFTER THE GARNISHEE ANSWERS THIS WRIT).~~

Witness, the Honorable ....., Judge of the Superior Court, and the seal thereof, this ..... day of ....., 19...

[Seal]

.....  
Attorney for Clerk of  
Plaintiff (or Superior  
Plaintiff, Court  
if no attorney)

.....  
Address By  
.....  
Address



Sec. 1011. Section 13, chapter 264, Laws of 1969 ex. sess. as last amended by section 5, chapter 193, Laws of 1981 and RCW 7.33.130 are each amended to read as follows:

(1) Service of the writ of garnishment on the garnishee is invalid unless ~~((there))~~ the writ is served ~~((therewith-(t)))~~ together with: (a) Four answer forms as ~~((provided))~~ prescribed in RCW 7.33.150 ~~((together with))~~; (b) three stamped envelopes addressed respectively to the clerk of the court issuing the writ, the attorney for the plaintiff (or to the plaintiff if ((he)) the plaintiff has no attorney), and the defendant; and ~~((2))~~ (c) cash ~~((;))~~ or a check made payable to the garnishee in the amount of ten dollars.

(2) The writ of garnishment ~~((may))~~ shall be mailed to the garnishee by certified mail, return receipt requested, addressed in the same manner as a summons in a civil action, and will be binding upon the garnishee on the ~~((second-business))~~ day ~~((following the time as))~~ set forth on the return receipt. In the alternative, the writ ~~((may also))~~ shall be served by the sheriff of the county in which the garnishee lives or has its place of business or ~~((it may be served))~~ by any ~~((citizen of the state of Washington eighteen years of age or over and not a party to the action in which it is issued))~~ person qualified to serve process in the same manner as a summons in ~~((an))~~ a civil action is served: PROVIDED, HOWEVER, That ~~((where the))~~ a writ ~~((is))~~ directed to a bank, banking association, mutual savings bank or savings and loan association maintaining branch offices, as garnishee, ~~((the writ must be directed to and service thereof must be made by certified mail, return receipt requested, to, or by leaving a copy of the writ with))~~ shall be served by mail directed to, or by service on, the manager or ~~((any))~~ other officer or cashier or assistant cashier of such bank or association at ~~((the))~~ its office or branch ~~((thereof at which the account evidencing such indebtedness of the defendant is carried or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant. In every case where))~~ that allegedly carries an account for defendant or allegedly holds or controls property belonging to the defendant and, in addition, there shall be served with the writ, as part of the service, a statement in writing signed by the plaintiff or plaintiff's attorney, stating (a) the defendant's place of residence and business, occupation, trade, or profession, or (b) the defendant's account number, if such information is not incorporated in the writ. If the statement is not served with the writ and such information is not included in the writ, the service shall be deemed incomplete and the garnishee shall not be held liable for funds owing to the defendant that it fails to discover.

(3) If a writ of garnishment is served by ~~((an officer, such officer))~~ a sheriff, the sheriff shall ~~((make his))~~ file with the clerk of the court that issued the writ a signed return ~~((thereon))~~ showing the time, place, and manner of service and that the writ was accompanied by answer forms

~~((and)), addressed envelopes, and cash or a check as required by this section, and noting thereon ((his)) fees for making ((such)) the service ((and shall sign his name to such return. In case such)). If service is made by any person other than ((an officer)) a sheriff, such person shall file a signed return including the same information and shall also attach to the ((original writ his)) return an affidavit showing ((his)) qualifications to make such service((, and that the writ was accompanied by answer forms and addressed envelopes and cash deposit or a check as required by this section, and the time, place and manner of making service, and shall endorse thereon the legal fees therefor)). If a writ of garnishment is served by mail, the person making the mailing shall file a signed return showing the time, place, and manner of mailing and that the writ was accompanied by answer forms, addressed envelopes, and cash or a check as required by this section and shall attach to the return a copy of the return receipt.~~

Sec. 1012. Section 14, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.140 are each amended to read as follows:

(1) From and after the service of ((such)) a writ of garnishment, it shall not be lawful, except as provided in this chapter or as directed by the court, for the garnishee to pay any debt owing to the defendant at the time of such service, or to deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects belonging to the defendant in the garnishee's possession or under ((his)) the garnishee's control at the time of such service; and any such payment, delivery, sale or transfer shall be void and of no effect as to so much of said debt, personal property or effects ~~((; shares, or interest))~~ as may be necessary to satisfy the plaintiff's demand ~~((: PROVIDED, HOWEVER, That in case the garnishee is a bank, banking association, mutual savings bank or savings and loan association maintaining branch offices, service must be made as provided for in RCW 7.33.130, and shall only be effective to attach the accounts, credits, or other personal property of the defendant in that particular branch upon which service is made and to which the writ is directed. PROVIDED, FURTHER, That))~~.

(2) This section shall have no effect as to any portion of a debt ((which)) that is exempt from garnishment ~~((: AND PROVIDED, FURTHER, That))~~.

(3) The garnishee shall incur no liability for releasing funds or property in excess of the amount stated in the writ of garnishment ((where)) if the garnishee ((shall)) continues to hold an amount equal to the amount stated in the writ of garnishment.

Sec. 1013. Section 32, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.320 are each amended to read as follows:

~~((In any case where a writ of garnishment has issued, the party at whose instance the writ was issued shall))~~ (1) When a writ is issued under a judgment, on or before the date of service of the writ on the garnishee, the judgment creditor shall mail or ((may)) cause to be mailed to the judgment

debtor, by certified mail, addressed to the last known post office of the judgment debtor, (a) a copy of the writ and a copy of the judgment~~((, if any, or the complaint, if brought before judgment, to the defendant or judgment debtor in said cause at his last known post office address;))~~ or, if it is a district court judgment, a copy of the judgment creditor's affidavit submitted in application for the writ, and (b) if the judgment debtor is an individual, the notice and claim form prescribed in section 1014 of this 1987 act. In the alternative, ((a copy of the writ shall be served upon the defendant or judgment debtor)) on or before the day of the service of the writ on the garnishee or within two days thereafter, the stated documents shall be served on the judgment debtor in the same manner as is required for personal service of summons upon a party to an action ~~((on or before the date of the service of said writ on the garnishee defendant or within two days thereafter))~~.

~~((This))~~ (2) The requirements of this section shall not be jurisdictional, but~~((;))~~ (a) no disbursement order or judgment against the garnishee defendant shall be entered unless there is on file the return of service or mailing required by subsection (3) of this section, and (b) if the ((copy is)) copies of the writ and judgment or affidavit, and the notice and claim form if the defendant is an individual, are not mailed or served as herein provided, or if any irregularity ((shall)) appears with respect to the mailing or service, the court, in its discretion, on motion of the ((defendant or)) judgment debtor promptly made and supported by affidavit showing that ((he)) the judgment debtor has suffered substantial injury ((in)) from the plaintiff's failure to mail or otherwise to serve such ((copy)) copies, may set aside the ((said)) garnishment and award to ((said defendant or)) the judgment debtor an amount equal to the damages suffered ((by plaintiff's)) because of such failure.

(3) If the service on the judgment debtor is made by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of service and that the copy of the writ was accompanied by a copy of a judgment or affidavit, and by a notice and claim form if required by this section, and shall note thereon fees for making such service. If service is made by any person other than a sheriff, such person shall file a signed return including the same information and shall also attach to the return an affidavit showing qualifications to make such service. If service on the judgment debtor is made by mail, the person making the mailing shall file a signed return including the same information as required for return on service and, in addition, showing the address of the mailing and attaching the return receipt or the mailing should it be returned to the sender as undeliverable.

**NEW SECTION.** Sec. 1014. (1) The notice required by RCW 7.33.320(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

**NOTICE OF GARNISHMENT AND OF YOUR RIGHTS**

A Writ of Garnishment issued by a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

**YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:**

**WAGES.** If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. If the garnishment is for child support, the exempt amount paid to you will be forty percent of wages due you, but if you are supporting a spouse or dependent child, you are entitled to claim an additional ten percent as exempt.

**BANK ACCOUNTS.** If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or a United States pension, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

**OTHER EXEMPTIONS.** If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.16.020, a Washington statute that exempts up to five hundred dollars of property of your choice (including up to one hundred dollars in cash or in a bank account) and certain property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

**HOW TO CLAIM EXEMPTIONS.** Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your

claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

(2) The claim form required by RCW 7.33.320(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

Name of Court	
Plaintiff,	No. _____
vs.	
Defendant,	<b>EXEMPTION CLAIM</b>
Garnishee Defendant	

**INSTRUCTIONS:**

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines.
2. Make two copies of the completed form. Deliver the original form by first class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. **YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 weeks) AFTER THE DATE ON THE WRIT.**

I/We claim the following money or property as exempt:

**IF BANK ACCOUNT IS GARNISHED:**

- [ ] The account contains payments from:
- [ ] AFDC, SSI, or other public assistance. I receive \$ \_\_\_\_\_ monthly.
  - [ ] Social Security. I receive \$ \_\_\_\_\_ monthly.

- Veterans' Benefits. I receive \$\_\_\_\_\_ monthly.
- U.S. Government Pension. I receive \$\_\_\_\_\_ monthly.
- Unemployment Compensation. I receive \$\_\_\_\_\_ monthly.
- Child support. I receive \$\_\_\_\_\_ monthly.
- Other. Explain \_\_\_\_\_

**IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:**

- No money other than from above payments are in the account.
- Moneys in addition to the above payments have been deposited in the account. Explain \_\_\_\_\_

**IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:**

- I claim maximum exemption.
- I am supporting another child or other children.
- I am supporting a husband or a wife.

**IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:**

- Name and address of employer who is paying the benefits: \_\_\_\_\_

**OTHER PROPERTY:**

- Describe property \_\_\_\_\_

(If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

Print:      Your name	If married, name of husband/wife
Your signature	Signature of husband or wife
Address	Address (if different from yours)
Telephone number	Telephone number (if different from yours)

**CAUTION:** If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank

account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

**IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.**

Sec. 1015. Section 28, chapter 264, Laws of 1969 ex. sess. as last amended by section 6, chapter 193, Laws of 1981 and RCW 7.33.280 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, if the garnishee is an employer owing the defendant ((wages, salary, or other compensation for personal services)) earnings, then for each week of such ((wages, salary, or other compensation)) earnings, an amount shall be exempt from garnishment which is the greatest of the following:

- (a) ~~((Forty times the state hourly minimum wage; or~~
- (b) ~~Seventy-five percent of the disposable earnings of the defendant; or~~
- (c) ~~Such amount as may be exempt under federal law.~~

(2) ~~Such exemption)) Thirty times the federal minimum hourly wage prescribed by section 206(a)(1) of Title 29 of the United States Code in effect at the time the earnings are payable; or~~

- (b) ~~Seventy-five percent of the disposable earnings of the defendant.~~

(2) In the case of a garnishment based on a judgment or other court order for child support, other than a mandatory wage assignment order, the exemption shall be fifty percent of the disposable earnings of the defendant if the individual is supporting a spouse or dependent child (other than a spouse or child on whose behalf the garnishment is brought), or forty percent of the disposable earnings of the defendant if the individual is not supporting such a spouse or dependent child.

(3) The exemptions stated in this section shall apply whether such earnings are paid, or are to be paid, weekly, monthly, or at other intervals, and whether ((there be)) earnings are due the defendant ((earnings)) for one week, a portion thereof, or for a longer period.

((3) The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld: PROVIDED, That amount deducted from an employee's compensation as contributions toward a participating pension or retirement program established pursuant to a collective bargaining agreement shall not be considered a part of disposable earnings.))

(4) Unless directed otherwise by the court, the garnishee shall determine and deduct ~~((the amount))~~ exempt amounts under this section as directed in the writ of garnishment and answer, and shall pay ~~((this))~~ these amounts to the defendant.

~~((4))~~ The exemptions under this section shall not apply in the case of a garnishment for child support if (a) the garnishment is based on a judgment or other court order; (b) the amount stated on the writ does not exceed the amount of two months support payments; and (c) the following language is conspicuously added to the writ of garnishment: "This garnishment is based on a judgment or court order for child support. Hold all funds you owe the defendant up to the amount stated above without regard to any statutory exemption".)

(5) No money due or earned as earnings as defined in ~~((RCW 7.33.010(3)))~~ section 1001 of this 1987 act shall be exempt from garnishment under the provisions of RCW 6.16.020, as now or hereafter amended.

NEW SECTION. Sec. 1016. (1) A defendant may claim exemptions from garnishment in the manner specified by the statute that creates the exemption or by delivering to or mailing by first class mail to the clerk of the court out of which the writ was issued a declaration in substantially the following form or in the form set forth in section 1014 of this act and mailing a copy of the form by first class mail to the plaintiff or plaintiff's attorney at the address shown on the writ of garnishment, all not later than twenty-eight days after the date stated on the writ.

[NAME OF COURT]

.....  
Plaintiff  
.....  
Defendant  
.....  
Garnishee

No. ....  
CLAIM OF EXEMPTION

I/We claim the following described property or money as exempt from execution:

I/We believe the property is exempt because:



.....	.....
Print name	Print name of spouse, if married
.....	.....
Signature	Signature
.....	.....
Address	Address
.....	.....
.....	.....
Telephone number	Telephone number
.....	.....

(2) A plaintiff who wishes to object to an exemption claim must, not later than seven days after receipt of the claim, cause to be mailed to the defendant by first class mail, to the address shown on the exemption claim, a declaration by self, attorney, or agent, alleging the facts on which the objection is based, together with notice of date, time, and place of a hearing on the objection, which hearing the plaintiff must cause to be noted for a hearing date not later than fourteen days after the receipt of the claim. After a hearing on an objection to an exemption claim, the court shall award costs to the prevailing party and may also award an attorney's fee to the prevailing party if the court concludes that the exemption claim or the objection to the claim was not made in good faith.

(3) If the plaintiff elects not to object to the claim of exemption, the plaintiff shall, not later than ten days after receipt of the claim, obtain from the court and deliver to the garnishee an order directing the garnishee to release such part of the debt, property, or effects as is covered by the exemption claim. If the plaintiff fails to obtain and deliver the order as required or otherwise to effect release of the exempt funds or property, the defendant shall be entitled to recover fifty dollars from the plaintiff, in addition to actual damages suffered by the defendant from the failure to release the exempt property.

Sec. 1017. Section 16, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.160 are each amended to read as follows:

No employer shall discharge an employee for the reason that a creditor of the employee has subjected or attempted to subject unpaid earnings of the employee to a writ of ((wage)) garnishment directed to the employer: PROVIDED, HOWEVER, That this provision shall not apply if garnishments on three or more separate indebtednesses are served upon the employer within any period of twelve consecutive months.

Sec. 1018. Section 17, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.170 are each amended to read as follows:

If the defendant in the principal action causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the writ of garnishment, or after the return of said writ, by the clerk of the

court out of which ~~((said))~~ the writ was issued, ~~((to the effect))~~ conditioned that ~~((he))~~ the defendant will perform the judgment of the court, the writ of garnishment shall, upon the filing of said bond with the clerk, be immediately discharged, and all proceedings ~~((had thereunder))~~ under the writ shall be vacated: PROVIDED, That the garnishee shall not be thereby deprived from recovering any costs in said proceeding, to which ~~((he))~~ the garnishee would otherwise be entitled under ~~((RCW 7.33.010 through 7.33.050 and 7.33.090 through 7.33.340))~~ this chapter. The bond shall be part of the record and, if judgment is against the defendant, it shall be entered against defendant and the sureties.

Sec. 1019. Section 15, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.150 are each amended to read as follows:

The answer of the garnishee shall be signed by ~~((him))~~ the garnishee or ~~((his))~~ attorney or if the garnishee is a corporation, by an officer, attorney or duly authorized agent of the garnishee, under penalty of perjury, and the original delivered, either personally or by mail, to the clerk of the ~~((superior))~~ court that issued the writ, one copy to the plaintiff or ~~((his))~~ the plaintiff's attorney, and one copy to the defendant. The answer shall be made on ~~((forms))~~ a form substantially as appears in this section, served on the garnishee with the writ, ~~((substantially as follows:))~~ with exempt amounts for relevant pay periods filled in by the plaintiff before service of the answer forms, except that, if the garnishment is for a continuing lien, the answer form shall be as prescribed in RCW 7.33.360.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF .....

.....	NO. ....
Plaintiff	
vs.	ANSWER
.....	TO WRIT OF
Defendant	GARNISHMENT
.....	
Garnishee Defendant	

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$..... (On the reverse side of this answer form, or on an attached page, give an explanation of the dollar amount stated, or give reasons why there is uncertainty about your answer.)

If the above amount or any part of it is for personal earnings (that is, compensation payable for personal services, whether called wages, salary, commission, bonus, or otherwise, and including periodic payments pursuant to a pension or retirement program): Garnishee has deducted from this amount \$..... which is the exemption to which the defendant is entitled((-

~~On the reverse side of this answer form, or on a schedule attached hereto, give the following information: (1) An explanation of the dollar amount stated, or reasons why there is uncertainty about your answer, if deemed necessary; (2)), leaving \$ . . . . . that garnishee holds under the writ. The exempt amount is calculated as follows:~~

<u>Total compensation due defendant</u>	\$ . . . . .
<u>LESS deductions for social security and withholding taxes and any other deduction required by law (list separately and identify)</u>	\$ . . . . .
<u>Disposable wages</u>	\$ . . . . .

If the title of this writ indicates that this is a garnishment under a child support judgment, enter forty percent of disposable wages: \$ . . . . . This amount is exempt and must be paid to the defendant at the regular pay time.

If this is not a garnishment for child support, enter seventy-five percent of disposable wages: \$ . . . . . From the listing in the following paragraph, choose the amount for the relevant pay period and enter that amount: \$ . . . . . (If amounts for more than one pay period are due, multiply the preceding amount by the number of pay periods and/or fraction of pay period for which amounts are due and enter that amount: \$ . . . . .) The greater of the amounts entered in this paragraph is the exempt amount and must be paid to the defendant at the regular pay time.

Amounts for different pay periods: Weekly \$ . . . . .; Biweekly \$ . . . . .; Semimonthly \$ . . . . .; Monthly \$ . . . . .

List all of the personal property or effects of defendant in the garnishee's possession or control when the writ was served. (Use the reverse side of this answer form or attach a schedule if necessary.)

An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

.....	.....
Signature of Garnishee <u>Defendant</u>	Date

.....	.....
Signature of person answering for garnishee	Connection with garnishee

.....  
Address of Garnishee

Sec. 1020. Section 19, chapter 264, Laws of 1969 ex. sess. as amended by section 10, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.190 are each amended to read as follows:

~~((Should))~~ If the garnishee fails to ((make)) answer ((to)) the writ within the time prescribed ((therein)) in the writ, ((it shall be lawful for the court, on or)) after the time to answer ((such)) the writ has expired((;)) and after required returns have been filed, showing service on the garnishee and service on or mailing to the defendant, it shall be lawful for the court to render judgment by default against such garnishee, in accordance with rules relating to entry of default judgments, for the full amount claimed by the plaintiff against the defendant, or in case the plaintiff has a judgment against the defendant, for the full amount of ((such)) the plaintiff's unpaid judgment against the defendant with all accruing interest and costs as prescribed in RCW 7.33.090: PROVIDED, That upon motion by the garnishee at any time prior to issuance of a writ of execution under such judgment, ((such)) the judgment against the garnishee shall be reduced to the amount of any nonexempt funds or property which was actually in the possession of the garnishee at the time the writ was served, plus the cumulative amount of the nonexempt earnings subject to the lien provided for in RCW 7.33-.370, or the sum of one hundred dollars, whichever is more, but in no event to exceed the full amount claimed by the plaintiff or the amount of the unpaid judgment against the principal defendant plus all accruing interest and costs and attorney's fees as prescribed in RCW 7.33.090, and in addition the plaintiff shall be entitled to a reasonable attorney's fee for the plaintiff's response to the garnishee's motion to reduce said judgment against the garnishee under this proviso and the court may allow additional attorney's fees for other actions taken because of the garnishee's failure to answer.

Sec. 1021. Section 24, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.240 are each amended to read as follows:

If the garnishee files an answer, either the plaintiff ((should)) or the defendant, if not ((be)) satisfied with the answer of the garnishee ((he)), may controvert within twenty days after the filing of the answer, by filing an affidavit in writing signed by ((him)) the controverting party or attorney or agent, stating that ((he)) the affiant has good reason to believe and does believe that the answer of the garnishee is incorrect, stating in what particulars ((he)) the affiant believes the same is incorrect. Copies of the affidavit shall be served on or mailed by first class mail to the garnishee at the address indicated on the answer or, if no address is indicated, at the address to or at which the writ was mailed or served, and to the other party, at the address shown on the writ if the defendant controverts, or at the address to or at which the copy of the writ of garnishment was mailed or served on the defendant if the plaintiff controverts, unless otherwise directed in writing by the defendant or defendant's attorney.

Sec. 1022. Section 26, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.260 are each amended to read as follows:

If the answer of the garnishee is controverted, as provided in RCW 7.33.240 (~~and 7.33.250, an issue shall be formed, under the direction of the court, and tried as other cases. PROVIDED, HOWEVER~~), the garnishee may respond by affidavit of the garnishee, the garnishee's attorney or agent, within twenty days of the filing of the controverting affidavit, with copies served on or mailed by first class mail to the plaintiff at the address shown on the writ and to the defendant as provided in RCW 7.33.240. Upon the expiration of the time for garnishee's response, the matter may be noted by any party for hearing before a commissioner or presiding judge for a determination whether an issue is presented that requires a trial. If a trial is required, it shall be noted as in other cases, but no pleadings shall be necessary on such issue other than the affidavit of the plaintiff, the answer of the garnishee and the reply of the plaintiff or defendant controverting such answer, unless otherwise ordered by the court.

Sec. 1023. Section 29, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.290 are each amended to read as follows:

Where the answer is controverted, the costs of the proceeding, including a reasonable compensation for attorney's fees, shall (~~abide the issue of such contest~~) be awarded to the prevailing party: PROVIDED, That no costs or attorney's fees in such contest shall be taxable to the defendant in the event of a controversion (on the part of) by the plaintiff.

Sec. 1024. Section 18, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.180 are each amended to read as follows:

~~((Should))~~ If it appears from the answer of the garnishee that ((he)) the garnishee was not indebted to the defendant when the writ of garnishment was served ((on him)), and that ((he had)) the garnishee did not ((in his)) have possession or ((under his)) control of any personal property or effects of the defendant, and ((should)) if an affidavit controverting the answer of the garnishee is not ((be controverted)) filed within twenty days of the filing of the answer, as ((hereinafter)) provided in this chapter, the garnishee shall stand discharged without further action by the court or the garnishee and shall have no further liability.

Sec. 1025. Section 20, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.200 are each amended to read as follows:

~~((Should))~~ (1) If it appears from the answer of the garnishee or ((should)) if it ((be)) is otherwise made to appear((, as hereinafter provided,)) that the garnishee was indebted to the defendant in any amount, not exempt, when the writ of garnishment was served, and if the required return showing service on or mailing to the defendant is on file, the court shall render judgment for the plaintiff against such garnishee for the amount so admitted or found to be due to the defendant from the garnishee, unless

such amount ~~((shall))~~ exceeds the amount of the plaintiff's claim or ~~((demand))~~ judgment against the defendant with accruing interest and costs and attorney's fees as prescribed in RCW 7.33.090, in which case it shall be for the amount of such claim or ~~((demand))~~ judgment, with said interest ~~((and)), costs(~~(-PROVIDED, HOWEVER,))~~, and fees.~~

(2) If it shall appear from the answer of the garnishee and the same is not controverted, or if it shall appear from the hearing or trial ~~((hereinafter provided for;))~~ on controversion or by stipulation of the parties that the garnishee is indebted to the principal defendant in any sum, but that such indebtedness is not matured and is not due and payable, and if the required return showing service on or mailing to the defendant is on file, the court shall make an order requiring the garnishee to pay such sum into court when the same becomes due, the date when such payment is to be made to be specified in ~~((said))~~ the order, and in default thereof that judgment shall be entered against the garnishee for the amount of such indebtedness so admitted or found due. In case the garnishee ~~((shall pay said))~~ pays the sum at the time specified in ~~((said))~~ the order, ~~((said))~~ the payment shall operate as a discharge, otherwise judgment shall be entered against ~~((him))~~ the garnishee for the amount of such indebtedness, which judgment shall have the same force and effect, and be enforced in ~~((like))~~ the same manner as other judgments entered against garnishees as provided ~~((for))~~ in ~~((RCW 7.33.010 through 7.33.050, and 7.33.090 through 7.33.340))~~ this chapter: PROVIDED ~~((FURTHER))~~, That if judgment ~~((shall be))~~ is rendered in favor of the principal defendant, or if any judgment rendered against ~~((him be))~~ the principal defendant is satisfied prior to the date of payment specified in ~~((said))~~ an order of payment entered under this subsection, the garnishee shall not be required to make the payment ~~((hereinbefore provided for;))~~, nor shall any judgment in such case be entered against ~~((him))~~ the garnishee.

Sec. 1026. Section 21, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.210 are each amended to read as follows:

Execution may be issued on the judgment against the garnishee ~~((herein provided for;))~~ in ~~((like))~~ the same manner as upon any other judgment. The amount made upon any such execution shall be paid by the officer executing ~~((the same))~~ it to the clerk of the ~~((superior))~~ court from which ~~((such))~~ the execution was issued; and, in cases where judgment has been rendered against the defendant, the amount made on the execution shall be applied to the satisfaction of the judgment, interest and costs against the defendant. In case judgment has not been rendered against the defendant at the time execution issued against the garnishee is returned, any amount made on ~~((said))~~ the execution shall be paid to the clerk of the court from which ~~((such))~~ the execution issued, who shall retain the same until judgment ~~((be))~~ is rendered in the action between the plaintiff and defendant. In case judgment ~~((be))~~ is rendered ~~((therein))~~ in favor of the

plaintiff, the amount made on the execution against the garnishee shall be applied to the satisfaction of such judgment and the surplus, if any (~~(there be)~~), shall be paid to the defendant. In case judgment (~~(be)~~) is rendered (~~(in such action)~~) in favor of the defendant, the amount made on (~~(said)~~) the execution against the garnishee shall be paid to the defendant.

Sec. 1027. Section 22, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.220 are each amended to read as follows:

~~((Should))~~ If it appears from the garnishee's answer or otherwise that the garnishee had (~~(in his)~~) possession or (~~(under his)~~) control, when the writ was served, of any personal property or effects of the defendant liable to execution, and if the required return showing service on or mailing to the defendant is on file, the court shall render a decree requiring the garnishee to deliver up to the sheriff on demand, and after making arrangements with the sheriff as to time and place of delivery, such personal property or effects or so much of them as may be necessary to satisfy the plaintiff's claim. (~~(In cases where)~~) If a judgment has been rendered in favor of the plaintiff against the defendant, such personal property or effects may be sold in (~~(like)~~) the same manner as any other property is sold upon an execution issued on said judgment. (~~(In cases where)~~) If judgment has not been rendered in the principal action, the sheriff shall retain (~~(said)~~) possession of the personal property or effects (~~(in his possession)~~) until the rendition of judgment therein, and (~~(in case)~~), if judgment is thereafter rendered in (~~(said principal action in)~~) favor of the plaintiff, said (~~(goods)~~) personal property or effects, or sufficient of them to satisfy such judgment, may be sold in (~~(like)~~) the same manner as other property is sold on execution, by virtue of an execution (~~(issuing)~~) issued on (~~(said)~~) the judgment in the principal action. (~~(In case)~~) If judgment (~~(shall be)~~) is rendered in (~~(said)~~) the action against the plaintiff and in favor of the defendant, such effects and personal property shall be (~~(by the sheriff)~~) returned to the defendant by the sheriff: PROVIDED, HOWEVER, That (~~(in cases where)~~) if such effects or personal property are of a perishable nature, or the interests of the parties will be subserved by making a sale thereof before judgment, the court may order a sale thereof by the sheriff in (~~(like)~~) the same manner as sales upon execution are made, and the proceeds of such sale shall be paid to the clerk of the (~~(superior)~~) court that issued the writ, and (~~(like)~~) the same disposition shall be made of (~~(such)~~) the proceeds at the termination of the action as would have been made of (~~(such)~~) the personal property or effects under the provisions of this section in case (~~(such)~~) the sale had not been made.

Sec. 1028. Section 23, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.230 are each amended to read as follows:

~~((Should))~~ If the garnishee, adjudged to have effects or personal property of the defendant in (~~(his)~~) possession or under (~~(his)~~) control as provided in RCW 7.33.220, fails or refuses to deliver them to the sheriff on such demand, the officer shall immediately make return of such failure or

refusal, whereupon, on motion of the plaintiff, the garnishee shall be cited to show cause why he or she should not be ~~((attached for))~~ found in contempt of court for such failure or refusal, and should the garnishee fail to show some good and sufficient excuse for such failure and refusal, he or she shall be fined for such contempt and imprisoned until he or she shall deliver such personal property or effects.

Sec. 1029. Section 33, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.330 are each amended to read as follows:

~~((Where))~~ (1) If the garnishee in ((his)) the answer states that ((he)) the garnishee at the time of the service of the writ was indebted to or had possession or control of personal property or effects ((in his possession or under his control at the time of the service of the writ of garnishment upon him)) belonging to a person ((of the same or similar)) with a name the same as or similar to the name ((to)) of the defendant, and stating the place of business or residence of said person, and that ((he)) the garnishee does not know whether or not such person is the same person as the defendant, and prays the court to determine whether or not the person ((to whom he was indebted or whose personal property or effects he had in his possession)) is the same person as the defendant, the court, before rendering judgment against the garnishee defendant as hereinbefore provided, shall conduct a hearing to take proof as to the identity of said persons~~((, and if he should find therefrom that they are not one and the same individual, the garnishee shall be discharged and shall have and recover his costs against the plaintiff, and if he should find that said persons are one and the same individuals, he shall make a similar judgment as to the payment of the money or the delivery of personal property and effects and as to costs of the garnishee as is hereinbefore provided, where the garnishee is held upon his answer))~~.

(2) Before ((any such)) the hearing on the question of identity ((is had)), the plaintiff shall cause the court to issue a citation directed to the person ((to whom the garnishee answers he was indebted or whose personal property or effects the garnishee has answered he had in his possession or under his control)) identified in the garnishee's answer, commanding ((him)) that person to appear before the court from which ((it)) the citation is issued within ten days after the service of the same ((upon him)), and to answer on oath whether or not he or she is the same person as the defendant in said action. ((Said)) The citation shall be dated and attested in ((like)) the same manner as a writ of garnishment and be delivered to the plaintiff or ((his)) the plaintiff's attorney and shall be served in the same manner as a summons in ((an)) a civil action is served.

(3) If the court finds after hearing that the persons are not the same, the garnishee shall be discharged and shall recover costs against the plaintiff. If the court finds that the persons are the same, it shall make the same



kind of judgment as in other cases in which the garnishee is held upon the garnishee's answer, including provision for garnishee's costs.

(4) If ~~((upon))~~ the court finds after the hearing ~~((in this section provided for, the court shall find))~~ that the defendant or judgment debtor is the same person as the person ~~((to whom the garnishee defendant was indebted, or whose personal property or effects said garnishee defendant had in possession or under control))~~ identified in the garnishee's answer, it shall be sufficient answer to any claim of said person against the garnishee founded on any indebtedness of ~~((such))~~ the garnishee or on the possession or control by ~~((said person))~~ the garnishee of any personal property or effects for the garnishee to show that ~~((such))~~ the indebtedness was paid or ~~((such))~~ the personal property or effects were delivered under the judgment of the court in accordance with the provisions in this chapter.

Sec. 1030. Section 30, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.300 are each amended to read as follows:

It shall be a sufficient answer to any claim of the defendant against the garnishee founded on any indebtedness of ~~((such))~~ the garnishee or on the possession ~~((by him))~~ or control by the garnishee of any personal property or effects, for the garnishee to show that such indebtedness was paid or such personal property or effects were delivered ~~((; or such shares of stock or other interest in such corporation were sold))~~ under the judgment of the court in accordance with ~~((the provisions of RCW 7.33.010 through 7.33.050, and 7.33.090 through 7.33.340))~~ this chapter.

Sec. 1031. Section 27, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.270 are each amended to read as follows:

In all cases where it shall appear from the answer of the garnishee that ~~((he))~~ the garnishee was indebted to the defendant when the writ of garnishment was served ~~((and)),~~ no controversion is pending, there has been no discharge or judgment against the garnishee entered, and one year ~~((shall have))~~ has passed since the filing of the answer of the garnishee, the court, after ten days' notice in writing to the plaintiff, shall enter an order dismissing the writ of garnishment and discharging the garnishee: PROVIDED, That this provision shall have no effect ~~((when))~~ if the cause of action between plaintiff and defendant ~~((shall be))~~ is pending on the trial calendar, or ~~((upon the filing of))~~ if any party files an affidavit ~~((by any party))~~ that the action is still pending.

Sec. 1032. Section 5, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.350 are each amended to read as follows:

A ~~((plaintiff or a))~~ judgment creditor may obtain a continuing lien on ~~((wages))~~ earnings by a garnishment pursuant to RCW 7.33.360 ~~((through)),~~ 7.33.370, 7.33.380, and 7.33.390.

Sec. 1033. Section 6, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.360 are each amended to read as follows:

(1) Service of ((the)) a writ for a continuing lien shall comply fully with RCW 7.33.130 ((and, in addition (1) plaintiff shall mark the caption of the writ "continuing lien"; and (2) all answer forms served on employer shall be substantially as follows:

(1) Where garnishee is an employer:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF .....

.....	} _____ NO. ....
Plaintiff,	
vs.	
.....	
Defendant,	} ANSWER TO WRIT OF GARNISHMENT (EMPLOYER FORM)
.....	
Garnishee.	

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$..... for the last pay period. Garnishee has deducted from this amount \$..... which is the exemption to which the defendant is entitled.

On the reverse side of this answer form, or on a schedule attached hereto, give the following information: (1) An explanation of the dollar amount stated, or reasons why there is uncertainty about your answer, if deemed necessary; (2) List all of the personal property or effects or funds, other than wages, of defendant in the garnishee's possession or control when the writ was served. ~~GARNISHEE WILL CONTINUE TO HOLD THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS AS THEY ACCRUE THROUGH THE LAST PAYROLL PERIOD ENDING ON OR BEFORE THIRTY DAYS FROM THE EFFECTIVE DATE OF THE WRIT (DATE OF SERVICE OR DATE PREVIOUSLY SERVED WRIT OR WRITS TERMINATES), OR UNTIL THE SUM HELD EQUALS THE AMOUNT STATED IN THE WRIT OF GARNISHMENT OR UNTIL THE EMPLOYMENT RELATIONSHIP TERMINATES WHICHEVER SHALL COME FIRST.~~

Garnishee (is) (is not) presently holding the nonexempt portion of defendant's wages, salary or other compensations under a previous writ which will terminate not later than ....., 19... An attorney may answer for the garnishee.

Under penalty or [of] perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

.....  
 Signature of \_\_\_\_\_ Date \_\_\_\_\_  
 Garnishee

.....  
 Signature of person \_\_\_\_\_ Connection with  
 answering for \_\_\_\_\_ garnishee  
 garnishee):

(2) The caption of the writ shall be marked "CONTINUING LIEN ON EARNINGS" and the following additional paragraph shall be included in the writ form prescribed in RCW 7.33.110:

"THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the nonexempt portion of the defendant's earnings due at the time of service of this writ and shall also hold the defendant's nonexempt earnings that accrue through the last payroll period ending on or before SIXTY days after the date of service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt earnings that accrue from the date the previously served writ or writs terminate and through the last payroll period ending on or before sixty days after the date of termination of the previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT."

(3) The answer forms served on an employer shall include in the caption, "ANSWER TO WRIT OF GARNISHMENT FOR CONTINUING LIEN ON EARNINGS," and the following paragraph shall be added as the first paragraph of the answer form prescribed in RCW 7.33.150:

"If you are withholding the defendant's nonexempt wages under a previously served writ for a continuing lien, answer only this portion of this form and mail or deliver the forms as directed in the writ. Withhold from the defendant's future nonexempt earnings as directed in the writ, and a second set of answer forms will be forwarded to you later."

ANSWER: I am presently holding the defendant's nonexempt earnings under a previous writ served on ..... that will

terminate not later than . . . . ., 19. . .

. . . . .

If you are NOT withholding the defendant's earnings under a previously served writ for a continuing lien, answer the following portion of this form and mail or deliver the forms as directed in the writ. A second set of answer forms will be forwarded to you later for subsequently withheld earnings."

(4) In the event plaintiff fails to comply with this section, employer may elect to treat the garnishment as one not creating a continuing lien.

Sec. 1034. Section 7, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.370 are each amended to read as follows:

(1) ~~((In the case of a garnishment of earnings,))~~ Where the garnishee's answer to a garnishment for a continuing lien reflects that the defendant is employed by ((him)) the garnishee, the judgment or balance due thereon as reflected on the writ of garnishment((;)) shall become a lien on earnings due at the time of ((service of)) the effective date of the writ, as defined in this subsection, to the extent that they are not exempt from garnishment, and such lien shall continue as to subsequent nonexempt earnings until the total subject to the lien equals the amount stated on the writ of garnishment or until the expiration of the employer's payroll period ending ((immediately prior to thirty)) on or before sixty days after the effective date of the writ ((as hereafter defined)), whichever occurs first, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated ((for)) or if the underlying judgment is vacated, modified, or satisfied in full or if the writ is dismissed. The "effective date" of a writ is the date of service of the writ if there is no previously served writ; otherwise, it is the date of termination of a previously served writ or writs.

(2) At the time of the expected termination of the lien, the plaintiff shall mail to the garnishee cash or a check made payable to the garnishee in the amount of ten dollars, three additional stamped envelopes addressed as provided in RCW 7.33.130, and four additional copies of the answer form ((and three additional stamped envelopes addressed as provided in RCW 7.33.130.)) conspicuously marked at the top: "ANSWER THE SECOND PART OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF WAGES WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT."

(3) Within twenty days of receipt of the second answer form the garnishee shall file a second answer, in the form as provided in ((RCW 7.33-360)) subsection (2) of this section, stating the total amount held subject to the garnishment.

Sec. 1035. Section 8, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.380 are each amended to read as follows:

A lien obtained under RCW 7.33.370 shall have priority over any subsequent garnishment lien or wage assignment(~~(-Any writ of garnishment served upon an employer pursuant to RCW 7.33.360 while a lien imposed by a previous writ is still in effect, shall be answered by employer with a statement that he is holding no funds and with a further statement stating when all previous liens are expected to terminate. Such subsequent writ shall have full effect for thirty days from the termination of all prior liens; or until this is otherwise terminated under RCW 7.33.370: PROVIDED;)) except that ((a subsequent)) service of a writ shall not be effective to create a continuing lien with such priority if a writ in the same ((cause of action)) case is pending at the time of the service of ((garnishment)) the new writ.~~

#### PART XI MISCELLANEOUS PROVISIONS

Sec. 1101. Section 121, chapter 299, Laws of 1961 as amended by section 701, chapter 258, Laws of 1984 and RCW 3.66.100 are each amended to read as follows:

(1) Every district judge having authority to hear a particular case may issue criminal process in and to any place in the state.

(2) Notwithstanding any provision in the ~~((justice court))~~ civil rules to the contrary, every district judge having authority to hear a particular case may issue civil process, including writs of execution, attachment, garnishment, and replevin, in and to any place in the state.

Sec. 1102. Section 23, page 337, Laws of 1873 as last amended by section 11, chapter 292, Laws of 1971 ex. sess. and RCW 12.04.050 are each amended to read as follows:

All process issued by ~~((justices of the peace shall run in the name of the state of Washington, be dated the day issued and signed by the justice granting the same;))~~ district court judges of the state and all executions and writs of attachment or of replevin shall be served by ~~((the sheriff or some constable of the county in which the justice resides))~~ a sheriff or a deputy, but a summons or notice and complaint may be served by any citizen of the state of Washington over the age of eighteen years and not a party to the action.

Sec. 1103. Section 1, chapter 60, Laws of 1929 as last amended by section 5, chapter 45, Laws of 1983 1st ex. sess. and RCW 4.56.190 are each amended to read as follows:

The real estate of any judgment debtor, and such as ~~((he))~~ the judgment debtor may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state~~(:))~~ and any judgment of the supreme court, court of appeals, ~~((or))~~ superior court, or district court of this state~~(-and any judgment of~~

~~any justice of the peace rendered in this state)), and every such judgment shall be a lien thereupon to commence as ((hereinafter)) provided in RCW 4.56.200 and to run for a period of not to exceed ten years from the day on which such judgment was ((rendered)) entered. As used in this chapter, real estate shall not include the vendor's interest under a real estate contract for judgments rendered after August 23, 1983. If a judgment debtor owns real estate, subject to execution, jointly or in common with any other person, the judgment shall be a lien on the interest of the defendant only.~~

Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

NEW SECTION. Sec. 1104. The amendment of RCW 4.56.190 by this act applies only to judgments entered after the effective date of this act.

Sec. 1105. Section 234, page 173, Laws of 1854 as last amended by section 1, chapter 34, Laws of 1967 ex. sess. and RCW 4.64.060 are each amended to read as follows:

Every county clerk shall keep in ((his)) the clerk's office a record, to be called the execution docket, which shall be a public record and open during the usual business hours to all persons desirous of inspecting it.

Sec. 1106. Section 5, chapter 60, Laws of 1929 as amended by section 1, chapter 22, Laws of 1935 and RCW 4.64.070 are each amended to read as follows:

~~((It shall be the duty of the county))~~ The clerk ((to)) shall keep a proper record index to the execution docket, both direct and inverse, of ((any and)) all judgments, abstracts and transcripts of judgments in ((his)) the clerk's office~~((, and all renewals thereof, and such))~~. The index shall refer to each party against whom the judgment is rendered or whose property is affected ((thereby)) by it, and shall, together with the ((records of judgments)) execution docket, be open to public inspection during regular office hours.

Sec. 1107. Section 307, page 75, Laws of 1869 as last amended by section 6, chapter 128, Laws of 1984 and RCW 4.64.030 are each amended to read as follows:

~~((All judgments shall be entered by))~~ The clerk shall enter all judgments in the execution docket, subject to the direction of the court~~((, in the execution docket,))~~ and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action.

~~((At the end))~~ On the first page of each judgment which provides for the payment of money, the following shall be succinctly summarized: The judgment creditor and the name of his or her attorney, the judgment debtor, the amount of the judgment, the interest owed to the date of the judgment, and the total of the taxable costs and attorney fees, if known at the time of the entry of the judgment. If the attorney fees and costs are not included in

the judgment, they shall be summarized in the cost bill when filed. This information is included in the judgment to assist the county clerk in his or her record-keeping function.

Sec. 1108. Section 237, page 174, Laws of 1854 as last amended by section 6, chapter 7, Laws of 1957 and RCW 4.64.080 are each amended to read as follows:

((He)) When entering a judgment in the execution docket, the clerk shall leave space on the same page, if practicable, ~~((with each case,))~~ in which ~~((he))~~ the clerk shall enter, in the order in which they occur, all the proceedings subsequent to the judgment in ~~((said))~~ the case until its final satisfaction, including ~~((the time))~~ when and to what county ~~((the))~~ an execution is issued, ~~((and))~~ when returned, and the return or the substance thereof. When the execution is levied on personal property which is returned unsold, the entry shall be: "levied (noting the date) on property not sold." When any sheriff shall furnish the clerk with a copy of any levy upon real estate on any judgment the minutes of which are entered in ~~((his))~~ the execution docket, the entry shall be: "levied upon real estate," noting the date. When any execution issued to any other county is returned levied upon real estate in such county, the entry in the docket shall be, "levied on real estate of . . . . ., in . . . . . county," noting the date, county, and defendants whose estate is levied upon~~((and))~~. When ~~((the))~~ any money is paid, ~~((or any part thereof,))~~ the amount and time when paid shall be entered~~((also,))~~. When a judgment is appealed, modified, discharged, or in any manner satisfied, the facts in respect thereto shall be entered. The parties interested may also assign or discharge such judgment on such execution docket. When the judgment is fully satisfied in any way, the clerk shall write the word "satisfied," in large letters across the face of the ~~((entry))~~ record of such judgment in the execution docket.

Sec. 1109. Section 2, chapter 65, Laws of 1921 as amended by section 1, chapter 176, Laws of 1927 and RCW 4.64.020 are each amended to read as follows:

(1) The clerk on the return of a verdict shall forthwith enter ~~((the same))~~ it in the execution docket, specifying the amount ~~((thereof, and)),~~ the names of the parties to the action, and the names of the party or parties against whom the verdict is rendered; such entry shall be indexed in the record index and shall conform as near as may be to entries of judgments required to be made in ~~((such))~~ the execution docket.

(2) Beginning at eight o'clock a.m. the day after the entry of ~~((such))~~ a verdict as herein provided, ~~((the same))~~ it shall be notice to all the world of the rendition thereof, and any person subsequently acquiring title to or a lien upon the real property of the party or parties against whom the verdict is returned shall be deemed to have acquired such title or lien with notice, and such title or lien shall be subject and inferior to any judgment afterwards entered on the verdict.

Sec. 1110. Section 3, chapter 65, Laws of 1921 as amended by section 5, chapter 76, Laws of 1984 and RCW 4.64.100 are each amended to read as follows:

The clerk shall, on request and at the expense of the party in whose favor the verdict is rendered, or ~~((his))~~ the party's attorney, prepare an abstract of such verdict in substantially the same form as an abstract of a judgment and transmit such abstract to the clerk of any court in any county in the state as directed, and shall make a note on the execution docket of the name of the county to which each of such abstracts is sent. The clerk receiving such abstract shall, on payment of ~~((a fee of fifty cents therefor))~~ the statutory fee, enter and index ~~((the same))~~ it in the execution docket in the same manner as an abstract of judgment. ~~((On))~~ The entry ~~((thereof the same))~~ shall have the same effect in such county as in the county where the verdict was rendered.

Whenever the verdict, or any judgment rendered thereon, shall cease to be a lien in the county where rendered, the clerk of the court shall on request of anyone, and the payment of the cost and expense thereof, certify that the lien ~~((thereof))~~ has ceased, and transmit such certificate to the clerk of any court to which an abstract was forwarded, and ~~((such))~~ the clerk receiving the certificate, on payment of ~~((a fee of fifty cents therefor))~~ the statutory fee, shall enter ~~((the same))~~ it in the execution docket, and then ~~((and thereupon))~~ the lien of such verdict or judgment shall cease. Nothing in this section or RCW 4.64.020 shall be construed as authorizing the issuance of an execution by a clerk in any other county than that in which the judgment is rendered.

Sec. 1111. Section 4, chapter 60, Laws of 1929 and RCW 4.64.120 are each amended to read as follows:

It shall be the duty of the county clerk to enter in ~~((his))~~ the execution docket any duly certified transcript of a judgment of a ~~((justice of the peace))~~ district court of this state and any duly certified abstract of any judgment of any court mentioned in RCW 4.56.200, filed in ~~((his))~~ the county clerk's office, and to index the same in the same manner as judgments originally rendered in the superior court for the county of which he or she is clerk.

**\*Sec. 1112. Section 9, chapter 7, Laws of 1957 and RCW 4.64.110 are each amended to read as follows:**

**A transcript of the district court docket ~~((of a justice of the peace))~~ shall contain an exact copy of the district court judgment from the ~~((justice's))~~ docket.**

**\*Sec. 1112 was vetoed, see message at end of chapter.**

Sec. 1113. Section 8, chapter 7, Laws of 1957 and RCW 4.64.090 are each amended to read as follows:



The abstract of a judgment shall contain (1) the name of the party, or parties, in whose favor the judgment was rendered; (2) the name of the party, or parties, against whom the judgment was rendered; (3) the date of the rendition of the judgment; (4) the amount for which the judgment was rendered, and in the following manner, viz: Principal \$ . . . . .; interest \$ . . . . .; costs \$ . . . . .; total \$ . . . . .

**NEW SECTION.** Sec. 1114. A new section is added to chapter 6.32 RCW to read as follows:

If it appears from the examination or testimony taken in the special proceedings authorized by this chapter that the judgment debtor owns an interest in a partnership, the judge who granted the order or warrant or to whom it is returnable may in his or her discretion, upon such notice to other partners as the judge deems just, and to the extent permitted by Title 25 RCW, (1) enter an order charging the partnership interest with payment of the judgment, directing that all or any part of distributions or other amounts becoming due to the judgment debtor, other than earnings as defined in section 1001 of this act, be paid to a receiver if one has been appointed, otherwise to the clerk of the court that entered the judgment, for application to payment of the judgment in the same manner as proceeds from sale on execution and, in aid of the charging order, the court may make such other orders as a case requires, or (2) enter an order directing sale of the partnership interest in the same manner as personal property is sold on execution.

Sec. 1115. Section 25, chapter 133, Laws of 1893 and RCW 6.32.250 are each amended to read as follows:

This chapter does not authorize the seizure of, or other interference with, (1) any property which is expressly exempt by law from levy and sale by virtue of an execution, attachment, or garnishment; or (2) any money, thing in action or other property held in trust for a judgment debtor where the trust has been created by, or the fund so held in trust has proceeded from, a person other than the judgment debtor; or (3) the earnings of the judgment debtor for ((his)) personal services ((rendered within sixty days next before the institution of the special proceeding, where it is made to appear by his oath or otherwise that those earnings are necessary for the use of a family wholly or partly supported by his labor)) to the extent they would be exempt against garnishment of the employer under RCW 7.33.280.

Sec. 1116. Section 11.52.010, chapter 145, Laws of 1965 as last amended by section 17, chapter 260, Laws of 1984 and RCW 11.52.010 are each amended to read as follows:

If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then

the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of (~~twenty-five~~) thirty thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's or materialmen's liens upon the property so set off, exclusive of debts arising out of a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance and exclusive of funeral expenses, expenses of last sickness and administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

Sec. 1117. Section 35A.20.150, chapter 119, Laws of 1967 ex. sess. as amended by section 58, chapter 3, Laws of 1983 and RCW 35A.21.195 are each amended to read as follows:

A code city may exercise the power to bring an action or special proceeding at law as authorized by Title 4 RCW, chapters 7.24, 7.25, and 7.33 RCW (sections 1001 through 1035 of this 1987 act), and shall be subject to actions and process of law in accordance with procedures prescribed by law and rules of court.

Sec. 1118. Section 4, chapter 85, Laws of 1977 ex. sess. as last amended by section 403, chapter 305, Laws of 1986 and RCW 51.24.060 are each amended to read as follows:

(1) If the injured worker or beneficiary elects to seek damages from the third person, any recovery made shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid proportionately by the injured worker or beneficiary and the department and/or self-insurer;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award; PROVIDED, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the balance of the recovery made, but only to the extent necessary to reimburse the department and/or self-insurer for compensation and benefits paid;

(i) The department and/or self-insurer shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the worker or beneficiary to the extent of the benefits paid or payable under this title:

**PROVIDED**, That the department or self-insurer may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees.

(ii) The sum representing the department's and/or self-insurer's proportionate share shall not be subject to subsection (1) (d) and (e) of this section.

(d) Any remaining balance shall be paid to the injured worker or beneficiary;

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation and benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person;

(f) If the employer or a co-employee are determined under RCW 4.22.070 to be at fault, (c) and (e) of this subsection do not apply and benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person.

(2) The recovery made shall be subject to a lien by the department and/or self-insurer for its share under this section.

(3) The department or self-insurer has sole discretion to compromise the amount of its lien. In deciding whether or to what extent to compromise its lien, the department or self-insurer shall consider at least the following:

(a) The likelihood of collection of the award or settlement as may be affected by insurance coverage, solvency, or other factors relating to the third person;

(b) Factual and legal issues of liability as between the injured worker or beneficiary and the third person. Such issues include but are not limited to possible contributory negligence and novel theories of liability; and

(c) Problems of proof faced in obtaining the award or settlement.

(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation and benefits to which the injured worker or beneficiary may be entitled.

(5) In an action under this section, the self-insurer may act on behalf and for the benefit of the department to the extent of any compensation and benefits paid or payable from state funds.

(6) It shall be the duty of the person to whom any recovery is paid before distribution under this section to advise the department or self-insurer of the fact and amount of such recovery, the costs and reasonable attorneys'

fees associated with the recovery, and to distribute the recovery in compliance with this section.

(7) The distribution of any recovery made by award or settlement of the third party action shall be confirmed by department order, served by registered or certified mail, and shall be subject to chapter 51.52 RCW. In the event the order of distribution becomes final under chapter 51.52 RCW, the director or the director's designee may file with the clerk of any county within the state a warrant in the amount of the sum representing the unpaid lien plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such worker or beneficiary mentioned in the warrant, the amount of the unpaid lien plus interest accrued and the date when the warrant was filed. The amount of such warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the injured worker or beneficiary against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the injured worker or beneficiary within three days of filing with the clerk.

(8) The director, or the director's designee, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice and order to withhold and deliver property of any kind if he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property which is due, owing, or belonging to any worker or beneficiary upon whom a warrant has been served by the department for payments due to the state fund. The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property which

may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's authorized representative upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount claimed by the director in the notice together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer to all exemptions provided for by chapter 7.33 RCW (sections 1001 through 1035 of this 1987 act) to which the wage earner may be entitled.

Sec. 1119. Section 35, chapter 43, Laws of 1972 ex. sess. as amended by section 11, chapter 9, Laws of 1986 and RCW 51.48.150 are each amended to read as follows:

The director or the director's designee is hereby authorized to issue to any person, firm, corporation, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind whatsoever when he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or any agency of the state, property which is or shall become due, owing, or belonging to any employer upon whom a notice of assessment has been served by the department for payments due to the state fund. The effect of a notice and order to withhold and deliver shall be continuous from the date such notice and order to withhold and deliver is first made until the liability out of which such notice and order to withhold and deliver arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order to withhold and deliver when the liability out of which the notice and order to withhold and deliver arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order to withhold and deliver was made that such notice and order to withhold and deliver has been released.

The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any duly authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation or any agency of the state upon whom service has been made is hereby required to answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with a notice and order to withhold and deliver, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the

director's duly authorized representative upon service of the notice to withhold and deliver which will be held in trust by the director for application on the employer's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review, or in the alternative such party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. Should any party served and named in the notice to withhold and deliver fail to make answer to such notice and order to withhold and deliver, within the time prescribed herein, it shall be lawful for the court, after the time to answer such order has expired, to render judgment by default against the party named in the notice to withhold and deliver for the full amount claimed by the director in the notice to withhold and deliver together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, then the employer shall be entitled to assert in the answer to all exemptions provided for by chapter 7.33 RCW (sections 1001 through 1035 of this 1987 act) to which the wage earner may be entitled.

NEW SECTION. Sec. 1120. Section 233, page 173, Laws of 1854, section 321, page 65, Laws of 1877, section 306, Code of 1881, section 3, chapter 38, Laws of 1891 and RCW 4.64.040 are each repealed.

NEW SECTION. Sec. 1121. Parts I through X of this act shall each constitute a new chapter in Title 6 RCW, and the sections amended in each part of this act shall be recodified in the order they appear in this act. The code reviser shall correct all statutory references to these sections to reflect this recodification.

Passed the House April 25, 1987.

Passed the Senate April 25, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 1112, Engrossed Substitute House Bill No. 927, entitled:

"AN ACT Relating to the enforcement of judgments."

Section 1112 is identical to section 118 of Senate Bill No. 5017. Since I have already signed Senate Bill No. 5017, section 1112 of this bill is duplicative. I have also noted that several sections of Engrossed Substitute House Bill No. 927 contain additional amendments to sections amended by Senate Bill No. 5017 and that Engrossed Substitute House Bill No. 927 repeals a section which was amended in Senate Bill No. 5017. I assume that the amendments made in Engrossed Substitute House Bill No. 927 reflect the intent of the legislature to make further changes to these sections.

With the exception of section 1112, Engrossed Substitute House Bill No. 927 is approved."

## CHAPTER 443

[Engrossed Substitute Senate Bill No. 5299]

## MASSAGE THERAPY

AN ACT Relating to massage therapy; amending RCW 18.108.010, 18.108.030, 18.108.040, 18.108.050, 18.108.060, and 18.108.070; reenacting and amending RCW 18.108.020; adding new sections to chapter 18.108 RCW; repealing RCW 18.108.090, 18.108.110, 18.108.120, 18.108.140, 18.108.150, 18.108.160, 18.108.180, 18.108.200, and 18.108.210; making an appropriation; and providing effective dates.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature finds it necessary to license the practice of massage and massage therapy in order to protect the public health and safety. It is the legislature's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide services to the public. This chapter shall not be construed to require or prohibit individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization from providing benefits or coverage for services and supplies provided by a person registered or certified under this chapter.

\*Sec. 2. Section 1, chapter 280, Laws of 1975 1st ex. sess. as amended by section 74, chapter 158, Laws of 1979 and RCW 18.108.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires, the following meanings shall apply:

(1) "Board" means the ~~((state massage examining board;))~~ Washington state board of massage.

(2) "Massage" and "massage therapy" mean ~~((s the treatment of the superficial parts of the body, with or without the aid of soaps, oils, or lotions, by rubbing, touching, stroking, tapping, and kneading, provided no attempt be made to adjust or manipulate the articulations of the spine;))~~ a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes massage techniques such as methods of effleurage, petrissage, tapotement, tapping, compressions, vibration, friction, nerve strokes, and Swedish gymnastics or movements either by manual means, as they relate to massage, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force.

(3) "Massage ~~((operator))~~ practitioner" means ~~((a person engaged in the practice of massage;))~~ an individual licensed under this chapter.

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

~~(5) (Message business means the operation of a business where massages are given.) "Department" means the department of licensing.~~

\*Sec. 2 was partially vetoed, see message at end of chapter.

Sec. 3. Section 3, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.030 are each amended to read as follows:

~~(1) No person (shall engage in, or hold themselves out as engaged in the practice of massage without a massage operator's license issued by the director) may practice or represent himself or herself as a massage practitioner without first applying for and receiving from the department a license to practice.~~

(2) A person represents himself or herself as a massage practitioner when the person adopts or uses any title or any description of services that incorporates one or more of the following terms or designations: Massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist or myotherapy, touch therapist, reflexologist, accupressurist, body therapy or body therapist, or any derivation of those terms that implies a massage technique or method.

Sec. 4. Section 4, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.040 are each amended to read as follows:

It shall be unlawful to advertise the practice of massage ((by a person not licensed by the director)) using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the director as a massage practitioner. Any person who holds a license to practice as a massage practitioner in this state may use the title "licensed massage practitioner" and the abbreviation "L.M.P.". No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage practitioner.

Sec. 5. Section 5, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.050 are each amended to read as follows:

This chapter does not apply to:

(1) An individual giving massage ((in their home)) to members of ((their)) his or her immediate family;

(2) ~~((Persons licensed in this state to practice medicine, surgery, drugless therapy, cosmetology, barbering, physical therapy, osteopathy, osteopathy and surgery, chiropractic, podiatry, nursing, or persons working under prescription, supervision, or direction of any such person))~~ The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;



(3) Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political subdivisions;

(4) Massage practiced at the athletic department of any school or college (~~accredited by the northwest association of secondary and higher schools~~) approved by the department by rule using recognized national professional standards.

Sec. 6. Section 6, chapter 280, Laws of 1975 1st ex. sess. as amended by section 79, chapter 7, Laws of 1985 and RCW 18.108.060 are each amended to read as follows:

All licenses issued under the provisions of this chapter, unless otherwise provided shall expire on the annual anniversary date of the individual's date of birth.

~~((Failure to pay the annual license renewal fee by the dates specified above shall render the license invalid, but such license may be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars together with all delinquent annual license renewal fees.))~~

The director shall prorate the licensing fee for massage (~~operator~~) practitioner based on one-twelfth of the annual license fee for each full calendar month between the issue date and the next anniversary of the applicant's birth date, a date used as the expiration date of such license.

Every applicant for a license shall pay an examination fee determined by the director as provided in RCW 43.24.086, which fee shall accompany their application. Applications for licensure shall be submitted on forms provided by the director.

Applicants granted a license under this chapter shall pay to the director a license fee determined by the director as provided in RCW 43.24.086, prior to the issuance of their license, and an annual renewal fee determined by the director as provided in RCW 43.24.086. Failure to renew shall invalidate the license and all privileges granted to the licensee, but such license may be reinstated upon written application to the director and payment to the state of all delinquent fees and penalties as determined by the director. In the event a license has lapsed for a period longer than three years, the licensee shall demonstrate competence to the satisfaction of the director by proof of continuing education or other standard determined by the director with the advice of the board.

Sec. 7. Section 7, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.070 are each amended to read as follows:

The director shall (~~approve issuance of~~) issue a massage (~~operator~~) practitioner's license to (~~any~~) an applicant who (~~is eighteen years of age or over and who has furnished satisfactory proof of their good character and health and who also has passed a written or oral examination and/or practical demonstration, prepared and conducted by the board establishing their~~

~~competency and ability to engage in the practice of massage. The examinations shall require the applicant to demonstrate a basic knowledge of anatomy, physiology, hygiene, first aid, and such other subjects as the examining board may determine. PROVIDED, That the board shall give an appropriate alternate form of examination for persons who cannot read or speak English to determine equivalent competency)) demonstrates to the director's satisfaction that the following requirements have been met:~~

(1) Effective June 1, 1988, successful completion of a course of study in an approved massage program or approved apprenticeship program;

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

(3) Be eighteen years of age or older.

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

The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for licensure provided for in this chapter and chapter 18.130 RCW. The director shall establish by rule what constitutes adequate proof of meeting the criteria. The board shall give an appropriate alternate form of examination for persons who cannot read or speak English to determine equivalent competency.

NEW SECTION. Sec. 8. (1) The date and location of the examination shall be established by the director. Applicants who demonstrate to the director's satisfaction that the following requirements have been met shall be scheduled for the next examination following the filing of the application:

(a) Effective June 1, 1988, successful completion of a course of study in an approved massage program; or

(b) Effective June 1, 1988, successful completion of an apprenticeship program established by the board; and

(c) Be eighteen years of age or older.

In addition, completed and approved applications shall be received sixty days before the scheduled examination.

(2) The board or its designee shall examine each applicant in a written and practical examination determined most effective on subjects appropriate to the massage scope of practice. The subjects may include anatomy, kinesiology, physiology, pathology, principles of human behavior, massage theory and practice, hydrotherapy, hygiene, first aid, Washington law pertaining to the practice of massage, and such other subjects as the board may deem useful to test applicant's fitness to practice massage therapy. Such examinations shall be limited in purpose to determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of examinations, and the grading of any practical work, shall be preserved for a period of not less

than one year after the board has made and published decisions thereupon. All examinations shall be conducted by the board under fair and impartial methods as determined by the director.

(4) An applicant who fails to make the required grade in the first examination is entitled to take up to two additional examinations upon the payment of a fee for each subsequent examination determined by the director as provided in RCW 43.24.086. Upon failure of three examinations, the director may invalidate the original application and require such remedial education as is required by the board before admission to future examinations.

(5) The board may approve an examination prepared or administered, or both, by a private testing agency or association of licensing boards for use by an applicant in meeting the licensing requirement.

Sec. 9. Section 2, chapter 280, Laws of 1975 1st ex. sess. as last amended by section 56, chapter 279, Laws of 1984 and by section 53, chapter 287, Laws of 1984 and RCW 18.108.020 are each reenacted and amended to read as follows:

The Washington state board of massage (~~(examining board)~~) is hereby created. The board shall consist of (~~(three)~~) four members who shall be appointed by the governor for a term of (~~(three)~~) four years each. Members shall be residents of this state and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be licensed under this chapter and actively engaged in the practice of massage during their incumbency. (~~(Within thirty days after September 8, 1975, three members shall be appointed by the governor to serve one, two, and three years respectively.)~~)

In addition to the members specified in this section, the governor shall appoint a consumer member of the board, who shall serve for a term of (~~(three)~~) four years. The consumer member of the board shall be an individual who does not derive his or her livelihood by providing health care services or massage therapy and is not a licensed health professional. The consumer member shall not be an employee of the state nor a present or former member of another licensing board.

In the event that a member cannot complete his or her term of office, another appointment shall be made by the governor in accordance with the procedures stated in this section to fill the remainder of the term. No member may serve more than two successive terms (~~(and shall qualify and receive a license pursuant to this chapter within ninety days of their appointment)~~) whether full or partial. The governor may remove any member of the board for neglect of duty, incompetence, or unprofessional or disorderly conduct as determined under chapter 18.130 RCW.

~~((Subject to the approval of the director, the board shall have the power to promulgate rules and regulations not inconsistent with the law and which may be necessary for the performance of its duties. It shall be the~~

~~duty of the board to pass upon the qualifications of applicants for licenses, prepare the necessary examination questions and practical demonstrations, conduct examinations from time to time in such places as the director designates, and to determine the applicants who successfully passed the examination, and in turn notify the director of such determinations.))~~

Each member of the board shall be compensated in accordance with RCW 43.03.240. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060.

The board may annually elect a chairperson to direct the meetings of the board. The board shall meet as called by the chairperson or the director. Three members of the board shall constitute a quorum of the board.

NEW SECTION. Sec. 10. In addition to any other authority provided by law, the board may:

(1) Adopt rules in accordance with chapter 34.04 RCW necessary to implement this chapter, subject to the approval of the director;

(2) Define, evaluate, approve, and designate those schools, programs, and apprenticeship programs including all current and proposed curriculum, faculty, and health, sanitation, and facility standards from which graduation will be accepted as proof of an applicant's eligibility to take the licensing examination;

(3) Review approved schools and programs periodically;

(4) Prepare, grade, administer, and supervise the grading and administration of, examinations for applicants for licensure; and

(5) Determine which states have educational and licensing requirements equivalent to those of this state.

The board shall establish by rule the standards and procedures for approving courses of study and may contract with individuals or organizations having expertise in the profession or in education to assist in evaluating courses of study. The standards and procedures set shall apply equally to schools and training within the United States of America and those in foreign jurisdictions.

NEW SECTION. Sec. 11. (1) In addition to any other authority provided by law, the director may:

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

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

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

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

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

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the disciplining of persons under this chapter. The director shall be the disciplining authority under this chapter.

(3) The director shall keep an official record of all proceedings under this chapter, a part of which record shall consist of a register of all applicants for licensure under this chapter, with the result of each application.

**NEW SECTION.** Sec. 12. An applicant holding a license in another state or foreign jurisdiction may be granted a Washington license without examination, if, in the opinion of the board, the other state's or foreign jurisdiction's examination and educational requirements are substantially equivalent to Washington's: **PROVIDED**, That the applicant demonstrates to the satisfaction of the board a working knowledge of Washington law pertaining to the practice of massage. The applicant shall provide proof in a manner approved by the department that the examination and requirements are equivalent to Washington's.

**NEW SECTION.** Sec. 13. Any person holding a valid license to practice massage issued by authority of the state on the effective date of this section shall continue to be licensed as a massage practitioner under the provisions of this chapter.

**NEW SECTION.** Sec. 14. This chapter shall not be construed as affecting any existing right acquired or liability or obligations incurred under the sections amended or repealed in this chapter or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

**\*NEW SECTION.** Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 280, Laws of 1975 1st ex. sess. and RCW 18-108.090;

(2) Section 12, chapter 280, Laws of 1975 1st ex. sess. and RCW 18-108.110;

(3) Section 13, chapter 280, Laws of 1975 1st ex. sess. and RCW 18-108.120;

(4) Section 15, chapter 280, Laws of 1975 1st ex. sess. and RCW 18-108.140;

(5) Section 16, chapter 280, Laws of 1975 1st ex. sess. and RCW 18-108.150;

(6) Section 17, chapter 280, Laws of 1975 1st ex. sess., section 80, chapter 7, Laws of 1985 and RCW 18.108.160;

(7) Section 19, chapter 280, Laws of 1975 1st ex. sess. and RCW 18-108.180;

(8) Section 21, chapter 280, Laws of 1975 1st ex. sess. and RCW 18-108.200; and

(9) *Section 22, chapter 280, Laws of 1975 1st ex. sess. and RCW 18-108.210.*

\*Sec. 15 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 16. Sections 1, 8, and 10 through 14 of this act are each added to chapter 18.108 RCW.

NEW SECTION. Sec. 17. The sum of one hundred twelve thousand, five hundred seventy dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the health professions account to the department of licensing for the purposes of this act.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. Section 12 of this act shall take effect June 1, 1988.

Passed the Senate April 10, 1987.

Passed the House April 8, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

## CHAPTER 444

[House Bill No. 94]

## UNIFORM FRAUDULENT TRANSFER ACT

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

Be it enacted by the Legislature of the State of Washington:

## UNIFORM FRAUDULENT TRANSFER ACT

NEW SECTION. Sec. 1. DEFINITIONS. As used in this chapter:

(1) "Affiliate" means:

(i) A person who directly or indirectly owns, controls, or holds with power to vote, twenty percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities;

(A) As a fiduciary or agent without sole discretionary power to vote the securities; or

(B) Solely to secure a debt, if the person has not exercised the power to vote;

(ii) A corporation twenty percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor or a person who directly or indirectly owns, controls, or holds with power to vote, twenty percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

(A) As a fiduciary or agent without sole power to vote the securities; or

(B) Solely to secure a debt, if the person has not in fact exercised the power to vote;

(iii) A person whose business is operated by the debtor under a lease or other agreement, or a person substantially all of whose assets are controlled by the debtor; or

(iv) A person who operates the debtor's business under a lease or other agreement or controls substantially all of the debtor's assets.

(2) "Asset" means property of a debtor, but the term does not include:

(i) Property to the extent it is encumbered by a valid lien; or

(ii) Property to the extent it is generally exempt under nonbankruptcy law.

(3) "Claim" means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(4) "Creditor" means a person who has a claim.

(5) "Debt" means liability on a claim.

(6) "Debtor" means a person who is liable on a claim.

(7) "Insider" includes:

- (i) If the debtor is an individual:
    - (A) A relative of the debtor or of a general partner of the debtor;
    - (B) A partnership in which the debtor is a general partner;
    - (C) A general partner in a partnership described in subsection (7)(i)(B) of this section; or
    - (D) A corporation of which the debtor is a director, officer, or person in control;
  - (ii) If the debtor is a corporation:
    - (A) A director of the debtor;
    - (B) An officer of the debtor;
    - (C) A person in control of the debtor;
    - (D) A partnership in which the debtor is a general partner;
    - (E) A general partner in a partnership described in subsection (7)(ii)(D) of this section; or
    - (F) A relative of a general partner, director, officer, or person in control of the debtor;
  - (iii) If the debtor is a partnership:
    - (A) A general partner in the debtor;
    - (B) A relative of a general partner in, or a general partner of, or a person in control of the debtor;
    - (C) Another partnership in which the debtor is a general partner;
    - (D) A general partner in a partnership described in subsection (7)(iii)(C) of this section; or
    - (E) A person in control of the debtor;
  - (iv) An affiliate, or an insider of an affiliate as if the affiliate were the debtor; and
  - (v) A managing agent of the debtor.
- (8) "Lien" means a charge against or an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.
- (9) "Person" means an individual, partnership, corporation, association, organization, government or governmental subdivision or agency, business trust, estate, trust, or any other legal or commercial entity.
- (10) "Property" means anything that may be the subject of ownership.
- (11) "Relative" means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.
- (12) "Transfer" means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, and creation of a lien or other encumbrance.



(13) "Valid lien" means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

**NEW SECTION.** Sec. 2. **INSOLVENCY.** (a) A debtor is insolvent if the sum of the debtor's debts is greater than all of the debtor's assets, at a fair valuation.

(b) A debtor who is generally not paying his or her debts as they become due is presumed to be insolvent.

(c) A partnership is insolvent under subsection (a) of this section if the sum of the partnership's debts is greater than the aggregate of all of the partnership's assets, at a fair valuation, and the sum of the excess of the value of each general partner's nonpartnership assets over the partner's nonpartnership debts.

(d) Assets under this section do not include property that has been transferred, concealed, or removed with intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer voidable under this chapter.

(e) Debts under this section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

**NEW SECTION.** Sec. 3. **VALUE.** (a) Value is given for a transfer or an obligation if, in exchange for the transfer or obligation, property is transferred or an antecedent debt is secured or satisfied, but value does not include an unperformed promise made otherwise than in the ordinary course of the promisor's business to furnish support to the debtor or another person.

(b) For the purposes of sections 4(a)(2) and 5 of this act, a person gives a reasonably equivalent value if the person acquires an interest of the debtor in an asset pursuant to a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor upon default under a mortgage, deed of trust, or security agreement.

(c) A transfer is made for present value if the exchange between the debtor and the transferee is intended by them to be contemporaneous and is in fact substantially contemporaneous.

**NEW SECTION.** Sec. 4. **TRANSFERS FRAUDULENT AS TO PRESENT AND FUTURE CREDITORS.** (a) A transfer made or obligation incurred by a debtor is fraudulent as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor; or

(2) Without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor:

(i) Was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or

(ii) Intended to incur, or believed or reasonably should have believed that he or she would incur, debts beyond his or her ability to pay as they became due.

(b) In determining actual intent under subsection (a)(1) of this section, consideration may be given, among other factors, to whether:

(1) The transfer or obligation was to an insider;

(2) The debtor retained possession or control of the property transferred after the transfer;

(3) The transfer or obligation was disclosed or concealed;

(4) Before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit;

(5) The transfer was of substantially all the debtor's assets;

(6) The debtor absconded;

(7) The debtor removed or concealed assets;

(8) The value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;

(9) The debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred;

(10) The transfer occurred shortly before or shortly after a substantial debt was incurred; and

(11) The debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

**NEW SECTION.** Sec. 5. TRANSFERS FRAUDULENT AS TO PRESENT CRÉDITORS. (a) A transfer made or obligation incurred by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation.

(b) A transfer made by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

**NEW SECTION.** Sec. 6. WHEN TRANSFER IS MADE OR OBLIGATION IS INCURRED. For the purposes of this chapter:

(1) A transfer is made:

(i) With respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the

sale of the asset, when the transfer is so far perfected that a good-faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee; and

(ii) With respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this chapter that is superior to the interest of the transferee;

(2) If applicable law permits the transfer to be perfected as provided in subsection (1) of this section and the transfer is not so perfected before the commencement of an action for relief under this chapter, the transfer is deemed made immediately before the commencement of the action;

(3) If applicable law does not permit the transfer to be perfected as provided in subsection (1) of this section, the transfer is made when it becomes effective between the debtor and the transferee;

(4) A transfer is not made until the debtor has acquired rights in the asset transferred;

(5) An obligation is incurred:

(i) If oral, when it becomes effective between the parties; or

(ii) If evidenced by a writing, when the writing executed by the obligor is delivered to or for the benefit of the obligee.

**NEW SECTION. Sec. 7. REMEDIES OF CREDITORS.** (a) In an action for relief against a transfer or obligation under this chapter, a creditor, subject to the limitations in section 8 of this act, may obtain:

(1) Avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;

(2) An attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with the procedure prescribed by chapter 7.12 RCW;

(3) Subject to applicable principles of equity and in accordance with applicable rules of civil procedure:

(i) An injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

(ii) Appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(iii) Any other relief the circumstances may require.

(b) If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

**NEW SECTION. Sec. 8. DEFENSES, LIABILITY, AND PROTECTION OF TRANSFEREE.** (a) A transfer or obligation is not voidable under section 4(a)(1) of this act against a person who took in good faith and for a reasonably equivalent value or against any subsequent transferee or obligee.

(b) Except as otherwise provided in this section, to the extent a transfer is voidable in an action by a creditor under section 7(a)(1) of this act, the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection (c) of this section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against:

(1) The first transferee of the asset or the person for whose benefit the transfer was made; or

(2) Any subsequent transferee other than a good-faith transferee or obligee who took for value or from any subsequent transferee or obligee.

(c) If the judgment under subsection (b) of this section is based upon the value of the asset transferred, the judgment must be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

(d) Notwithstanding voidability of a transfer or an obligation under this chapter, a good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to:

(1) A lien on or a right to retain any interest in the asset transferred;

(2) Enforcement of any obligation incurred; or

(3) A reduction in the amount of the liability on the judgment.

(e) A transfer is not voidable under section 4(a)(2) or 5 of this act if the transfer results from:

(1) Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law; or

(2) Enforcement of a security interest in compliance with Article 9 of chapter 62A RCW.

(f) A transfer is not voidable under section 5(b) of this act:

(1) To the extent the insider gave new value to or for the benefit of the debtor after the transfer was made unless the new value was secured by a valid lien;

(2) If made in the ordinary course of business or financial affairs of the debtor and the insider; or

(3) If made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as an antecedent debt of the debtor.

**NEW SECTION. Sec. 9. EXTINGUISHMENT OF CAUSE OF ACTION.** A cause of action with respect to a fraudulent transfer or obligation under this chapter is extinguished unless action is brought:

(a) Under section 4(a)(1) of this act, within four years after the transfer was made or the obligation was incurred or, if later, within one year after the transfer or obligation was or could reasonably have been discovered by the claimant;

(b) Under section 4(a)(2) or 5(a) of this act, within four years after the transfer was made or the obligation was incurred; or

(c) Under section 5(b) of this act, within one year after the transfer was made or the obligation was incurred.

NEW SECTION. Sec. 10. SUPPLEMENTARY PROVISIONS. Unless displaced by the provisions of this chapter, the principles of law and equity, including the law merchant and the law relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement its provisions.

NEW SECTION. Sec. 11. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 12. SHORT TITLE. This chapter may be cited as the uniform fraudulent transfer act.

NEW SECTION. Sec. 13. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act are each added to chapter 19.40 RCW.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 136, Laws of 1945 and RCW 19.40.010;
- (2) Section 2, chapter 136, Laws of 1945 and RCW 19.40.020;
- (3) Section 3, chapter 136, Laws of 1945 and RCW 19.40.030;
- (4) Section 4, chapter 136, Laws of 1945 and RCW 19.40.040;
- (5) Section 5, chapter 136, Laws of 1945 and RCW 19.40.050;
- (6) Section 6, chapter 136, Laws of 1945 and RCW 19.40.060;
- (7) Section 7, chapter 136, Laws of 1945 and RCW 19.40.070;
- (8) Section 8, chapter 136, Laws of 1945 and RCW 19.40.080;
- (9) Section 9, chapter 136, Laws of 1945 and RCW 19.40.090;
- (10) Section 10, chapter 136, Laws of 1945 and RCW 19.40.100;
- (11) Section 11, chapter 136, Laws of 1945, and RCW 19.40.110;
- (12) Section 12, chapter 136, laws of 1945 and RCW 19.40.120; and
- (13) Section 13, chapter 136, Laws of 1945 and RCW 19.40.130.

NEW SECTION. Sec. 16. EFFECTIVE DATE. This act shall take effect July 1, 1988.

Passed the House April 21, 1987.

Passed the Senate April 9, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 445

[Senate Bill No. 5597]

## COSMETOLOGY, BARBERING, AND MANICURING SCHOOLS—BONDS

AN ACT Relating to schools offering cosmetology, barbering, or manicuring instruction; and amending RCW 18.16.140.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 6, chapter 208, Laws of 1984 and RCW 18.16.140 are each amended to read as follows:

Any person wishing to operate a school shall, before opening such a school, file with the director a license application containing the following information:

- (1) The names and addresses of all owners and instructors;
- (2) Proof that the school's curriculum satisfies the training guidelines established by the director;
- (3) The catalogs, brochures, and contract forms the school proposes to use;
- (4) A sample of the school's enrollment contract, and cancellation and refund policies;
- (5) A description of the school's physical equipment and facilities;
- (6) A surety bond in an amount not less than one thousand dollars, or five percent of the annual gross tuition collected by the school, whichever is greater. The bond shall not ((to)) exceed twenty-five thousand dollars((, in a form and amount acceptable to the director, running)) and shall run to the state of Washington for the protection of ((students of the school, except for)) unearned prepaid student tuition. The school shall attest to its gross tuition at least annually on forms provided by the department. When a new school license is being applied for, the applicant will estimate its annual gross tuition to establish a bond amount. This subsection shall not apply to community colleges and vocational technical schools.

Upon proper application and payment of fees, the director shall issue a license to operate a school.

Passed the Senate March 19, 1987.

Passed the House April 9, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 446

[Substitute House Bill No. 1097]

## COLLEGES AND UNIVERSITIES—RECIPROCAL TUITION AND FEE PROGRAMS

AN ACT Relating to reciprocal tuition and fee programs; amending RCW 28B.15.754, 28B.15.756, and 28B.15.758; repealing section 6, chapter 166, Laws of 1983, section 78, chapter 370, Laws of 1985 (uncodified); providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 166, Laws of 1983 as amended by section 75, chapter 370, Laws of 1985 and RCW 28B.15.754 are each amended to read as follows:

The higher education coordinating board may enter into an agreement with appropriate officials or agencies in the state of Idaho to implement RCW 28B.15.750 and 28B.15.752. By January 10 of each odd-numbered year, the board shall review the costs and benefits of any agreement entered into under RCW 28B.15.750 and shall transmit copies of their review to the governor and the appropriate policy and fiscal committees of the legislature. ~~((In addition, the board shall make recommendations to the legislature on the continuation or termination of the authorization contained in this section not later than January, 1987.))~~

Sec. 2. Section 4, chapter 166, Laws of 1983 as amended by section 76, chapter 370, Laws of 1985 and RCW 28B.15.756 are each amended to read as follows:

The boards of trustees of The Evergreen State College and the regional universities, the state board for community college education, and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the higher education coordinating board and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia.

Sec. 3. Section 5, chapter 166, Laws of 1983 as amended by section 77, chapter 370, Laws of 1985 and RCW 28B.15.758 are each amended to read as follows:

The higher education coordinating board may enter into an agreement with appropriate officials or agencies in the Canadian province of British Columbia to implement RCW 28B.15.756. The agreement should provide for a balanced exchange of enrollment opportunities, without payment of excess tuition or fees, for residents of the state of Washington or the Canadian province of British Columbia. By January 10 of each odd-numbered year, the board shall review the costs and benefits of any agreement entered

into under RCW 28B.15.756 and shall transmit copies of their review to the governor and the appropriate policy and fiscal committees of the legislature. (~~(In addition, the board shall make recommendations to the legislature on the continuation or termination of the authorization contained in this section not later than January, 1987.)~~)

NEW SECTION. Sec. 4. Section 6, chapter 166, Laws of 1983, section 78, chapter 370, Laws of 1985 (uncodified) is 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 June 30, 1987.

Passed the House April 21, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 447

[Substitute Senate Bill No. 5219]

### NATUROPATHIC PHYSICIANS—LICENSING REQUIREMENTS

AN ACT Relating to naturopathic physicians; 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.

Be it enacted by the Legislature of the State of Washington:

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 nondrug contraceptive devices excluding interuterine 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

(1) 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 18.90 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; ocularists 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.

Passed the Senate April 22, 1987.

Passed the House April 17, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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CHAPTER 448

[Senate Bill No. 5483]

COLLEGES AND UNIVERSITIES—AUTHORIZED LEAVE WITHOUT PAY—  
RETIREMENT CALCULATIONS

AN ACT Relating to higher education retirement benefits; and adding a new section to chapter 28B.10 RCW.

Be it enacted by the Legislature of the State of Washington:

**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.

Passed the Senate April 21, 1987.

Passed the House April 17, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 449

[Substitute House Bill No. 2]

## SEWER DISTRICTS AND WATER DISTRICTS—REVISION OF AUTHORITY

AN ACT Relating to special purpose districts; amending RCW 56.08.075, 56.16.020, 56.20.010, 57.08.010, 57.08.060, 57.16.030, and 57.16.050; reenacting and amending RCW 56.08.010; adding new sections to chapter 56.12 RCW; adding a new section to chapter 56.20 RCW; adding a new section to chapter 56.24 RCW; adding a new section to chapter 56.32 RCW; adding new sections to chapter 57.12 RCW; adding a new section to chapter 57.16 RCW; adding a new section to chapter 57.24 RCW; and adding a new section to chapter 57.32 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 10, chapter 210, Laws of 1941 as last amended by section 1, chapter 250, Laws of 1985 and by section 5, chapter 444, Laws of 1985 and RCW 56.08.010 are each reenacted and amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities (~~of the third class~~) and towns, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof; it may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, other facilities and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged. Such sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage and electric generation, provided that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the sewer district or sold to any

entity authorized by law to distribute electricity. Such electricity is a by-product when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities which result in combined sewage disposal, treatment, or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner. A district may charge property owners seeking to connect to the district system of sewers, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding ((ten)) fifteen years. The county treasurer may charge and collect a fee of three dollars per parcel for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Sec. 2. Section 2, chapter 105, Laws of 1982 and RCW 56.08.075 are each amended to read as follows:

(1) In addition to the powers given sewer districts by law, they also have power to acquire, construct, maintain, operate, and develop street lighting systems.

(2) To establish a street lighting system, the board of sewer commissioners shall adopt a resolution proposing a street lighting system and delineating the boundaries of the area to be served by the proposed street

lighting system. The board shall conduct a public hearing on the resolution to create a street lighting system. Notice of the hearing shall be published at least once each week for two consecutive weeks in one or more newspapers of general circulation in the area to be served by the proposed street lighting system. Following the hearing, the board may by resolution establish the street lighting system.

(3) A street lighting system shall not be established if, within ((ninetety)) thirty days following the decision of the board, a petition opposing the street lighting system is filed with the board and contains the signatures of at least forty percent of the voters registered in the area to be served by the proposed system.

(4) The sewer district has the same powers of collection for delinquent street lighting charges as the sewer district has for collection of delinquent sewer service charges.

(5) Any street lighting system established by a sewer district prior to March 31, 1982, is declared to be legal and valid.

NEW SECTION. Sec. 3. A new <sup>section</sup> is added to chapter 56.12 RCW to read as follows:

If a three-member board of commissioners of any sewer district determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, or if the board is presented with a petition signed by ten percent of the qualified electors resident within the district calling for an increase in the number of commissioners of the district, the board shall submit a resolution to the legislative authority of the county requesting that an election be held. Upon receipt of the resolution, the legislative authority of the county shall call a special election to be held within the sewer district at which election a proposition in substantially the following language shall be submitted to the voters:

Shall the Board of Commissioners of  
(Name and/or No. of sewer district) be increased from three to  
five members?

Yes

No

If the proposition receives a majority approval at the election the board of commissioners of the sewer district shall be increased to five members. In any sewer district with more than ten thousand customers, if a three-member board of commissioners determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, the number of commissioners shall be so increased, without an election, unless within ninety days of adoption of that resolution, a petition requesting an election and signed by at least ten percent of the electors is filed with the board. If such a petition is received, the board shall submit the resolution and the

petition to the legislative authority of the county, which shall call a special election in the manner described in this section.

The two positions created on boards of sewer commissioners by this section shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general sewer district election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to serve until the second general sewer district election after the appointment, at which two commissioners shall be elected for six-year terms.

**NEW SECTION.** Sec. 4. A new section is added to chapter 56.12 RCW to read as follows:

If a sewer commissioner is absent from three consecutive regularly scheduled meetings unless by permission of the board, the office may be declared vacant by the board of commissioners and the vacancy shall then be filled as provided for in this chapter. However, such an action shall not be taken unless the commissioner is notified by mail after two consecutive unexcused absences that the position will be declared vacant if the commissioner is absent without being excused from the next regularly scheduled meeting.

Sec. 5. Section 16, chapter 210, Laws of 1941 as last amended by section 3, chapter 300, Laws of 1977 ex. sess. and RCW 56.16.020 are each amended to read as follows:

The sewer commissioners may, by resolution, issue revenue bonds for the construction costs, interest during the period of construction and six months thereafter, working capital, or other costs of any part or all of the general comprehensive plan or for other purposes or functions of a sewer district authorized by statute without submitting a proposition therefor to the voters. The resolution shall include the amount of the bonds to be issued.

**\*Sec. 6. Section 26, chapter 210, Laws of 1941 as amended by section 8, chapter 272, Laws of 1971 ex. sess. and RCW 56.20.010 are each amended to read as follows:**

***Any sewer district shall have the power to establish utility local improvement districts within its territory as hereinafter provided, and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement, on the basis of the special benefits to pay in whole or in part the damages or costs of any improvements ordered in such sewer district. The levying, collection and enforcement of all ((public)) special assessments hereby authorized shall be in the manner now and hereafter provided by law for the levying, collection and enforcement of ((local-improvement)) special assessments by cities ((of the first class)) and towns, insofar as the***



*same shall not be inconsistent with the provisions of this title. The duties devolving upon the city treasurer under said laws are imposed upon the county treasurer of each county in which the real property is located for the purposes of this title. The mode of assessment shall be in the manner to be determined by the sewer commissioners by resolution. It must be specified in any petition for the establishment of a utility local improvement district and in the approved general comprehensive ((scheme or)) plan or approved amendment thereto ((previously duly ratified at an election)), that, except as provided in this section, the special assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds. Special assessments in any utility local improvement district may be made on the basis of special benefits up to but not in excess of the total cost of any comprehensive scheme or plan payable by issuance of revenue bonds. No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all special assessments in such utility local improvement district, when collected, shall be paid into the revenue bond fund, except that pending the issuance and sale of bonds, special assessments may be deposited in a fund for the payment of costs of improvements in the utility local improvement district.*

\*Sec. 6 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 56.20 RCW to read as follows:

Judgments foreclosing special assessments pursuant to RCW 35.50.260 may also allow to sewer districts, in addition to delinquent installments, interest, penalties, and costs, such attorneys' fees as the court may find reasonable.

NEW SECTION. Sec. 8. A new section is added to chapter 56.24 RCW to read as follows:

When there is unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to two sewer districts or contiguous to a sewer district and a water district, the board of commissioners of one of the districts may resolve to annex such territory to that district, provided a majority of the board of commissioners of the other sewer or water district concurs. The district resolving to annex such territory may proceed to effect the annexation by complying with RCW 56.24.180 through 56.24.200.

NEW SECTION. Sec. 9. A new section is added to chapter 56.32 RCW to read as follows:

A part of one sewer or water district may be transferred into an adjacent sewer district if the area can be better served thereby. Such transfer can be accomplished by a petition, directed to both districts, signed by the owners according to the records of the county auditor of not less than sixty

percent of the area of land to be transferred. If a majority of the commissioners of each district approves the petition, copies of the approving resolutions shall be filed with the county legislative authority which shall act upon the petition as a proposed action in accordance with RCW 56.02.060.

Sec. 10. Section 8, chapter 114, Laws of 1929 as last amended by section 4, chapter 444, Laws of 1985 and RCW 57.08.010 are each amended to read as follows:

A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and without the district, necessary for its purposes. A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of water commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer. A water district may construct, condemn and purchase, purchase, add to, maintain and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, distribution and price thereof. A water district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under terms approved by the board of commissioners. Such waterworks may include facilities which result in combined water supply and electric generation, provided that the electricity generated thereby is a byproduct of the water supply system. Such electricity may be used by the water district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a water district may take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water

district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a by-product, nothing in this section may be construed to authorize a water district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

A water district may purchase and take water from any municipal corporation.

A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply system, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer.

Sec. 11. Section 1, chapter 68, Laws of 1941 as amended by section 1, chapter 105, Laws of 1982 and RCW 57.08.060 are each amended to read as follows:

(1) In addition to the powers given water districts by law, they shall also have power to acquire, construct, maintain, operate, and develop street lighting systems.

(2) To establish a street lighting system, the board of water commissioners shall adopt a resolution proposing a street lighting system and delineating the boundaries of the area to be served by the proposed street lighting system. The board shall conduct a public hearing on the resolution to create a street lighting system. Notice of the hearing shall be published at least once each week for two consecutive weeks in one or more newspapers of general circulation in the area to be served by the proposed street lighting system. Following the hearing, the board may by resolution establish the street lighting system.

(3) A street lighting system shall not be established if, within ~~((ninty))~~ thirty days following the decision of the board, a petition opposing the street lighting system is filed with the board and contains the signatures of at least forty percent of the voters registered in the area to be served by the proposed system.

(4) The water district has the same powers of collection for delinquent street lighting charges as the water district has for collection of delinquent water service charges.

(5) Any street lighting system established by a water district prior to March 31, 1982, is declared to be legal and valid.

**NEW SECTION.** Sec. 12. A new section is added to chapter 57.12 RCW to read as follows:

In the event a three-member board of commissioners of any water district determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, or in the event the board is presented with a petition signed by ten percent of the qualified electors resident within the district calling for an increase in the number of commissioners of the district, the board shall submit a resolution to the legislative body of the county requesting that an election be held. Upon receipt of the resolution, the legislative authority of the county shall call a special election to be held within the water district at which election a proposition in substantially the following language shall be submitted to the voters:

Shall the Board of Commissioners of  
(Name and/or No. of water district) be increased from three to  
five members?

Yes \_\_\_\_\_

No \_\_\_\_\_

If the proposition receives a majority approval at the election the board of commissioners of the water district shall be increased to five members. In any water district with more than ten thousand customers, if a three-member board of commissioners determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, the number of commissioners shall be so increased, without an election, unless within ninety days of adoption of that resolution a petition requesting an election and signed by at least ten percent of the electors is filed with the board. If such a petition is received, the board shall submit the resolution and the petition to the legislative authority of the county, which shall call a special election in the manner described in this section.

The two positions created on boards of water commissioners by this section shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general water district election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to serve until the second general water district election after the appointment, at which two commissioners shall be elected for six-year terms.

**NEW SECTION.** Sec. 13. A new section is added to chapter 57.12 RCW to read as follows:

If a water commissioner is absent from three consecutive regularly scheduled meetings unless by permission of the board, the office may be declared vacant by the board of commissioners and the vacancy shall then be filled as provided for in this chapter. However, such an action shall not be taken unless the commissioner is notified by mail after two consecutive unexcused absences that the position will be declared vacant if the commissioner is absent without being excused from the next regularly scheduled meeting.

Sec. 14. Section 8, chapter 18, Laws of 1959 as last amended by section 160, chapter 167, Laws of 1983 and RCW 57.16.030 are each amended to read as follows:

(1) The commissioners may, without submitting a proposition to the voters, authorize by resolution the district to issue revenue bonds for the construction costs, interest during the period of construction and six months thereafter, working capital or other costs of any part or all of the general comprehensive plan or for other purposes or functions of a water district authorized by statute. The amount of the bonds to be issued shall be included in the resolution submitted.

Any resolution authorizing the issuance of revenue bonds may include provision for refunding any local improvement district bonds of a district, out of the proceeds of sale of revenue bonds, and a district may pay off any outstanding local improvement bonds with such funds either by purchase in the open market below their par value and accrued interest or by call at par value and accrued interest at the next succeeding interest payment date. The bonds may be in any form, including bearer bonds or registered bonds as provided by RCW 39.46.030.

When a resolution authorizing revenue bonds has been adopted the commissioners may forthwith carry out the general comprehensive plan to the extent specified.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

***\*Sec. 15. Section 9, chapter 114, Laws of 1929 as last amended by section 161, chapter 167, Laws of 1983 and RCW 57.16.050 are each amended to read as follows:***

***(1) A district may establish local improvement districts within its territory; levy special assessments under the mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the local improvement district to be repaid by the collection of (~~local-improvement~~) special assessments. Such bonds may be of any form, including bearer bonds or registered bonds as provided in RCW 39.46.030. The levying, collection and enforcement of such special assessments and issuance of bonds shall be as provided for the***

*levying, collection, and enforcement of ((local improvement)) special assessments and the issuance of local improvement district bonds by cities and towns insofar as consistent herewith. The duties devolving upon the city or town treasurer are hereby imposed upon the county treasurer of the county in which the real property is located for the purposes hereof. The mode of assessment shall be determined by the water commissioners by resolution. When in the petition or resolution for the establishment of a local improvement district, and in the comprehensive plan or amendment thereto or plan providing for additions and betterments to the original plan, previously adopted, it is provided that, except as set forth in this section, the special assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds, then the local improvement district shall be designated as a "utility local improvement district." No warrants or bonds shall be issued in a utility local improvement district, but the collection of interest and principal on all special assessments in the utility local improvement district shall be paid into the revenue bond fund, except that pending the issuance and sale of bonds, special assessments may be deposited in a fund for the payment of costs of improvements in the utility local improvement district.*

*(2) Such bonds may also be issued and sold in accordance with chapter 39.46 RCW.*

\*Sec. 15 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 16. A new section is added to chapter 57.16 RCW to read as follows:

Judgments foreclosing local improvement assessments pursuant to RCW 35.50.260 may also allow to water districts, in addition to delinquent installments, interest, penalties, and costs, such attorneys' fees as the court may adjudge reasonable.

NEW SECTION. Sec. 17. A new section is added to chapter 57.24 RCW to read as follows:

When there is unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to two water districts or contiguous to a water district and a sewer district, the board of commissioners of one of the districts may resolve to annex such territory to that district, provided a majority of the board of commissioners of the other water or sewer district concurs. In such event, the district resolving to annex such territory may proceed to effect the annexation by complying with RCW 57.24.170 through 57.24.190.

NEW SECTION. Sec. 18. A new section is added to chapter 57.32 RCW to read as follows:

A part of one water or sewer district may be transferred into an adjacent water district if the area can be better served thereby. Such transfer can be accomplished by a petition, directed to both districts, signed by the

owners according to the records of the county auditor of not less than sixty percent of the area of land to be transferred. If a majority of the commissioners of each district approves the petition, copies of the approving resolutions shall be filed with the county legislative authority which shall act upon the petition as a proposed action in accordance with RCW 57.02.040.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 6 and 15, Substitute House Bill No. 2, entitled:

"AN ACT Relating to special purpose districts."

Sections 6 and 15, if signed, would result in an identical double amendment of sections 1 and 2 of House Bill No. 643, which I have already signed into law. For this reason, I have vetoed sections 6 and 15.

With the exceptions of sections 6 and 15, Substitute House Bill No. 2 is approved."

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## CHAPTER 450

[Substitute House Bill No. 1065]

### AUTOMATIC FINGERPRINT IDENTIFICATION SYSTEM

AN ACT Relating to establishing an automatic fingerprint identification system; amending RCW 43.43.735, 43.43.740, 10.98.050, 26.44.050, and 13.50.050; adding new sections to chapter 43.43 RCW; creating a new section; repealing RCW 13.04.130 and 43.43.755; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. A new section is added to chapter 43.43 RCW to read as follows:

(1) No local law enforcement agency may establish or operate an automatic fingerprint identification system unless:

(a) Both the hardware and software of the local system are compatible with the state system under RCW 43.43.560; and

(b) The local system is equipped to receive and answer inquiries from the Washington state patrol automatic fingerprint identification system and transmit data to the Washington state patrol automatic fingerprint identification system.

(2) A local law enforcement agency operating an automatic fingerprint identification system shall transmit data on fingerprint entries to the Washington state patrol electronically by computer. This requirement shall be in addition to those under RCW 10.98.050 and 43.43.740.

(3) Counties or local agencies that purchased or signed a contract to purchase an automatic fingerprint identification system prior to January 1,

1987, are exempt from the requirements of this section. The Washington state patrol shall charge fees for processing latent fingerprints submitted to the patrol by counties or local jurisdictions exempted from the requirements of this section. The fees shall cover, as nearly as practicable, the direct and indirect costs to the patrol of processing such fingerprints.

(4) The Washington state patrol shall adopt rules to implement this section.

Sec. 2. 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))~~ adults and juveniles 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))~~ adults 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))~~ whose photograph and fingerprints are required or allowed to be taken under this section, 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 court having jurisdiction over the dependency action to cause the fingerprinting of all persons who are the subject of dependency record information and 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. 3. 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 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.

NEW SECTION. Sec. 4. A new section is added to chapter 43.43 RCW to read as follows:

The Washington state patrol shall adopt rules concerning submission of fingerprints taken by local agencies after the effective date of this section from persons for license application or other noncriminal purposes. The Washington state patrol may charge fees for submission of fingerprints which will cover as nearly as practicable the direct and indirect costs to the Washington state patrol of processing such submission.

NEW SECTION. Sec. 5. The chief officer of every local law enforcement agency shall furnish to the Washington state patrol all fingerprints taken between July 1, 1983, and the effective date of this section from juveniles.

Sec. 6. Section 5, chapter 17, Laws of 1984 as amended by section 2, chapter 201, Laws of 1985 and RCW 10.98.050 are each amended to read as follows:

(1) ~~((Except in the case of juveniles;))~~ It is the duty of the chief law enforcement officer or the local director of corrections to transmit within seventy-two hours from the time of arrest to the section fingerprints together with other identifying data as may be prescribed by the section, and statutory violations of any person lawfully arrested, fingerprinted, and photographed under RCW 43.43.735. The disposition report shall be transmitted to the prosecuting attorney.

(2) At the preliminary hearing or the arraignment of a felony case, the judge shall ensure that the felony defendants have been fingerprinted and an arrest and fingerprint form transmitted to the section. In cases where fingerprints have not been taken, the judge shall order the chief law enforcement officer of the jurisdiction or the local director of corrections to initiate an arrest and fingerprint form and transmit it to the section. The disposition report shall be transmitted to the prosecuting attorney.

~~((3) The chief law enforcement officer of the jurisdiction shall initiate an arrest and fingerprint form for all juveniles who are fifteen years of age or older at the time the offense was committed and who are adjudicated of offenses that would be felonies if the juveniles were adults, and transmit the information within seventy-two hours to the section. The administrator of juvenile court services shall assist the chief law enforcement officer of the jurisdiction in developing procedures for obtaining the identification and disposition information required in this subsection, and the procedures shall be subject to the approval of the juvenile court judge. The juvenile information section of the administrator for the courts may assist the juvenile court with providing the section arrest and fingerprint forms, other identification, or other criminal history information:))~~

Sec. 7. Section 5, chapter 13, Laws of 1965 as last amended by section 5, chapter 97, Laws of 1984 and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible occurrence of abuse or neglect, it shall be the duty of the law enforcement agency or the department of social and health services to investigate and provide the protective services section with a report in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court.

A law enforcement officer may take, or cause to be taken, a child into custody without a court order if there is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050. ~~((Notwithstanding the provisions of RCW 13.04.130 as now or hereafter amended;))~~ The law enforcement agency or the

department of social and health services investigating such a report is hereby authorized to photograph such a child or adult dependent person for the purpose of providing documentary evidence of the physical condition of the child or disabled person.

Sec. 8. Section 9, chapter 155, Laws of 1979 as last amended by section 33, chapter 257, Laws of 1986 and RCW 13.50.050 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and RCW 13.50.010.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the

circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection (24) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (24) of this section.

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

(a) The person making the motion is at least twenty-three years of age;

(b) The person has not subsequently been convicted of a felony;

(c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (24) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall, subject to subsection (24) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subsection (24) of this section and subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(24) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 132, Laws of 1945, section 7, chapter 155, Laws of 1979, section 1, chapter 267, Laws of 1983 and RCW 13.04.130; and

(2) Section 12, chapter 152, Laws of 1972 ex. sess. and RCW 43.43-.755.

NEW SECTION. Sec. 10. (1) The sum of five million four hundred fifty-one thousand dollars, or so much thereof as may be necessary, is appropriated to the Washington state patrol from the general fund for the biennium ending June 30, 1989, for the purpose of establishing and operating the automatic fingerprint identification system under RCW 43.43.560, and for the purchase of remote tenprint and latent input systems, and remote terminals. The general fund appropriation under this section shall be reduced by the amount of any grants received from the federal bureau of justice assistance and deposited in the automatic fingerprint identification system account under RCW 43.43.565. Any funds in this account are appropriated to the Washington state patrol for the biennium ending June 30, 1989, for the purpose of this section.

(2) The state patrol shall develop rules and criteria to determine which local jurisdictions are eligible to receive terminals or remote systems under this act: PROVIDED, That a remote tenprint and latent input system shall be located in eastern Washington; a remote tenprint and latent input system shall be located in western Washington if the recipient local jurisdiction pays for thirty percent of the system's purchase cost; and at least twelve terminals shall be distributed throughout the state. However, no local jurisdiction may receive a terminal or remote tenprint and latent input system unless:

(a) The local jurisdiction agrees to connect the terminal or remote system to the state automatic fingerprint identification system;

(b) The local jurisdiction has submitted or will submit fingerprints under section 5 of this act;

(c) The local jurisdiction agrees that all terminal and remote system operators and technicians will be trained and certified by the Washington state patrol;

(d) The local jurisdiction agrees to pay all personnel, operating, installation, and maintenance costs associated with the terminals and remote systems, including the costs of transmitting data to the state system; and

(e) The local jurisdiction agrees to make the terminal or remote system available to other local law enforcement agencies, but the local jurisdiction may enter into an agreement with these other local law enforcement agencies for reimbursement for the costs associated with their use.

Passed the House April 21, 1987.

Passed the Senate April 10, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 451

[Substitute Senate Bill No. 5058]

### RULES REVIEW COMMITTEE--PROCEDURES AND AUTHORITY

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

Be it enacted by the Legislature of the State of Washington:

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:

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

Passed the Senate April 25, 1987.

Passed the House April 25, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 452

[Second Substitute House Bill No. 569]

## WINE COMMISSION—ADDITIONAL TAX

AN ACT Relating to the Washington wine commission; amending RCW 66.24.210, 66.28.040, and 15.04.200; adding a new chapter to Title 15 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 66.12 RCW; adding a new section to chapter 66.44 RCW; creating a new section; providing effective dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature declares that:

(1) Marketing is a dynamic and changing part of Washington agriculture and a vital element in expanding the state economy.

(2) The sale in the state and export to other states and abroad of wine made in the state contribute substantial benefits to the economy of the state, provide a large number of jobs and sizeable tax revenues, and have an important stabilizing effect on prices received by agricultural producers. Development of exports of these commodities abroad will contribute favorably to the balance of trade of the United States and of the state. The sale and export are therefore affected with the public interest.

(3) The production of wine grapes in the state is a new and important segment of Washington agriculture which has potential for greater contribution to the economy of the state if it undergoes healthy development.

(4) The general welfare of the people of the state will be served by healthy development of the activities of growing and processing wine grapes, which development will improve the tax bases of local communities in which agricultural land and processing facilities are located, and obviate the need for state and federal funding of local services. The industries are therefore affected with the public interest.

(5) Creation of a commission for the public purpose of administering the revenue of the commission under RCW 66.24.210(3) for the enhancement of production of wine grapes and wine and the marketing of Washington wine will materially advance the industries of growing and processing wine grapes and thereby the interests of the citizens of the state.

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

(1) "Commission" means the Washington wine commission.

(2) "Director" means the director of agriculture or the director's duly appointed representative.

(3) "Department" means the department of agriculture.

(4) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(5) "Grower" means a person who has at least five acres in production of vinifera grapes.

(6) "Growers' association" means a nonprofit association of Washington producers of vinifera grapes, whether or not incorporated, which the director finds to comprise the interested persons affected by appointment of members of the commission or, if the director finds that no such association exists, a group of growers of vinifera grapes within the state identified by the director as fairly representing growers of vinifera grapes within the state.

(7) "Vinifera grapes" means the agricultural product commonly known as VITIS VINIFERA and those hybrid of VITIS VINIFERA which have predominantly the character of VITIS VINIFERA.

(8) "Producer" means any person or other entity which grows within the state vinifera grapes or any person or other entity licensed under Title 66 RCW to produce within the state wine made predominantly from vinifera grapes.

(9) "Wine producer" means any person or other entity licensed under Title 66 RCW to produce within the state wine from vinifera grapes.

(10) "Eastern Washington" means that portion of the state lying east of the Cascade mountain range.

(11) "Western Washington" means that portion of the state lying west of the Cascade mountain range.

(12) "Wine" for the purposes of this section shall be as defined in RCW 66.04.010.

(13) "Wine institute" means a nonprofit association of Washington wine producers, whether or not incorporated, which the director finds to comprise interested persons affected by appointment of members of the commission or, if the director finds that no such association exists, a group composed of all such producers identified as actively engaged in the production of wine within the state.

**NEW SECTION.** Sec. 3. (1) There is created an agricultural commodity commission to be known and designated as the Washington wine commission. Except as provided in section 10(2) of this act, the commission shall be composed of eleven voting members, five voting members shall be growers, five voting members shall be wine producers, and one voting member shall be a wine wholesaler licensed under RCW 66.24.200. Of the grower members, at least one shall be a person who does not have over fifty acres of vinifera grapes in production, at least one shall be a person who has over one hundred acres of vinifera grapes in production, and two may be persons who produce and sell their own wine. Of the wine producer members, at least one shall be a person producing not more than twenty-five thousand gallons of wine annually, at least one shall be a person producing over one million gallons of wine annually, and at least two shall be persons who produce wine from their own grapes. In addition, at least one member shall be a wine producer located in western Washington and at least two members shall be wine producers located in eastern Washington.

(2) In addition to the voting members identified in subsection (1) of this section, the commission shall have one nonvoting member who is a wine producer in this state whose principal wine or wines are produced from fruit other than vinifera grapes.

(3) Except as provided in section 10(2) of this act, seven voting members of the commission constitute a quorum for the transaction of any business of the commission.

(4) Each voting member of the commission shall be a citizen and resident of this state and over the age of twenty-one years. Each voting member, except the member holding position eleven, must be or must have been engaged in that phase of the grower or wine producer industry that he or she is appointed to represent, and must during his or her term of office derive a substantial portion of income therefrom, or have a substantial investment in the growing of vinifera grapes or the production of wine from vinifera grapes as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the growing of vinifera grapes or wine production from vinifera grapes; or the manager or executive officer of such a corporation. These qualifications apply throughout each member's term of office.

**NEW SECTION.** Sec. 4. The appointive voting positions on the commission shall be designated as follows: The wine producers shall be designated positions one, two, three, four, and five; the growers shall be designated positions six, seven, eight, nine, and ten; and the wine wholesaler shall be position eleven. The nonvoting member shall be designated position number twelve. The member designated as filling position one shall be a person producing over one million gallons of wine annually. The member designated as position one shall be the sole representative, directly or indirectly, of the producer eligible to hold position one and in no event shall that producer directly or indirectly control more than fifty percent of the votes of the commission.

Except as provided in section 10(2) of this act, the regular terms of office shall be three years from the date of appointment and until their successors are appointed. However, the first terms of the members appointed upon the effective date of this section shall be as follows: Positions one, six, and eleven shall terminate July 1, 1990; positions two, four, seven, and nine shall terminate July 1, 1989; and positions three, five, eight, and ten shall terminate July 1, 1988. The term of the initial nonvoting member shall terminate July 1, 1990.

**NEW SECTION.** Sec. 5. The director shall appoint the members of the commission. In making such appointments of the voting members, the director shall take into consideration recommendations made by the growers' association and the wine institute as the persons recommended for appointment as members of the commission. In appointing persons to the

commission, the director shall seek to ensure as nearly as possible a balanced representation on the commission which would reflect the composition of the growers and wine producers throughout the state as to number of acres cultivated and amount of wine produced.

The appointment shall be carried out immediately subsequent to the effective date of this section and members so appointed as set forth in this chapter shall serve for the periods set forth for the original members of the commission under section 4 of this act.

In the event a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the unexpired term of the position shall immediately be filled by appointment by the director.

Each member of the commission shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION.** Sec. 6. Obligations incurred by the commission and liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any member, officer, employee, or agent of the commission in his or her individual capacity. The members of the commission, including employees of the commission, shall not be held responsible individually or any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employees, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other members of the commission.

**NEW SECTION.** Sec. 7. The powers and duties of the commission include:

(1) To elect a chairman and such officers as the commission deems advisable. The officers shall include a treasurer who is responsible for all receipts and disbursements by the commission and the faithful discharge of whose duties shall be guaranteed by a bond at the sole expense of the commission. The commission shall adopt rules for its own governance, which shall provide for the holding of an annual meeting for the election of officers and transaction of other business and for such other meetings as the commission may direct;

(2) To do all things reasonably necessary to effect the purposes of this chapter. However, the commission shall have no legislative power;

(3) At the pleasure of the commission, to employ and discharge managers, secretaries, agents, attorneys, and employees and to engage the services of independent contractors as the commission deems necessary, to prescribe their duties, and to fix their compensation;

(4) To receive donations of wine from wineries for promotional purposes;

(5) To engage directly or indirectly in the promotion of Washington wine, including without limitation the acquisition in any lawful manner and the dissemination without charge of wine, which dissemination shall not be deemed a sale for any purpose and in which dissemination the commission shall not be deemed a wine producer, supplier, or manufacturer of any kind or the clerk, servant, or agent of a producer, supplier, or manufacturer of any kind. Such dissemination shall be for agricultural development or trade promotion, which may include promotional hosting and shall in the good faith judgment of the commission be in aid of the marketing, advertising, or sale of wine, or of research related to such marketing, advertising, or sale;

(6) To acquire and transfer personal and real property, establish offices, incur expense, enter into contracts (including contracts for creation and printing of promotional literature, which contracts shall not be subject to chapter 43.78 RCW, but which shall be cancelable by the commission unless performed under conditions of employment which substantially conform to the laws of this state and the rules of the department of labor and industries). The commission may create such debt and other liabilities as may be reasonable for proper discharge of its duties under this chapter;

(7) To maintain such account or accounts with one or more qualified public depositories as the commission may direct, to cause moneys to be deposited therein, and to expend moneys for purposes authorized by this chapter by drafts made by the commission upon such institutions or by other means;

(8) To cause to be kept and annually closed, in accordance with generally accepted accounting principles, accurate records of all receipts, disbursements, and other financial transactions, available for audit by the state auditor;

(9) To create and maintain a list of producers and to disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly or by arrangement with trade associations or other instrumentalities;

(10) To employ, designate as agent, act in concert with, and enter into contracts with any person, council, commission or other entity for the purpose of promoting the general welfare of the vinifera grape industry and particularly for the purpose of assisting in the sale and distribution of Washington wine in domestic and foreign commerce, expending moneys as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of Washington wine in domestic or foreign commerce, employing and paying for vendors of professional services of all kinds; and

(11) To sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter.

NEW SECTION. Sec. 8. The commission shall create, provide for, and conduct a comprehensive and extensive research, promotional, and educational campaign as crop, sales, and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of markets, and degree of public awareness of products, and take into account the information adduced thereby in the discharge of its duties under this chapter.

NEW SECTION. Sec. 9. The commission shall adopt as major objectives of its research, promotional, and educational campaign such goals as will serve the needs of producers, which may include, without limitation, efforts to:

- (1) Establish Washington wine as a major factor in markets everywhere;
- (2) Promote Washington wineries as tourist attractions;
- (3) Encourage favorable reporting of Washington wine and wineries in the press throughout the world;
- (4) Establish the state in markets everywhere as a major source of premium wine;
- (5) Encourage favorable legislative and regulatory treatment of Washington wine in markets everywhere;
- (6) Foster economic conditions favorable to investment in the production of vinifera grapes and Washington wine;
- (7) Advance knowledge and practice of production of wine grapes in this state;
- (8) Discover and develop new and improved vines for the reliable and economical production of wine grapes in the state; and
- (9) Advance knowledge and practice of the processing of wine grapes in the state.

NEW SECTION. Sec. 10. (1) Except as provided in subsections (2) and (3) of this section, the vote of each of the voting members of the commission shall be weighted as provided by this subsection for the transaction of any of the business of the commission. The total voting strength of the entire voting membership of the commission shall be eleven votes. The vote of position one shall be equal to the lesser of the following: Five and one-half votes; or eleven votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.

(2) In the event the assessment described in section 13(1)(b) of this act is not effective on July 1, 1989, the positions designated for growers cease to exist. In such an event, the commission shall be composed of six voting

members and one nonvoting member. The nonvoting member shall be position seven. Four voting members of the commission constitute a quorum for the modified commission. Of the six votes of the entire voting membership of the modified commission, the vote of position one shall be the lesser of the following: Three votes; or six votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.

(3) In the event that the percentage of wine produced by the producer represented by position one falls below twenty-five percent of the wine produced in this state, the weighted voting mechanism provided for in subsections (1) and (2) of this section shall cease to be effective. In that case, the voting shall be based on one vote per position.

Sec. 11. Section 24-A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 10, chapter 3, Laws of 1983 2nd ex. sess. and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such



person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 1993. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.—RCW (sections 1 through 10 of this 1987 act).

NEW SECTION. Sec. 12. A new section is added to chapter 66.08 RCW to read as follows:

To provide for the operation of the wine commission prior to its first quarterly disbursement, the liquor control board shall, on the effective date of this section, disburse one hundred ten thousand dollars to the wine commission. However, such disbursement shall be repaid to the liquor control board by a reduction from the quarterly disbursements to the wine commission under RCW 66.24.210 of twenty-seven thousand five hundred dollars each quarter until such amount is repaid. These funds shall be used to establish the Washington wine commission and the other purposes delineated in chapter 15.— RCW (sections 1 through 10 this act).

NEW SECTION. Sec. 13. A new section is added to chapter 66.12 RCW to read as follows:

(1) To provide for permanent funding of the wine commission after July 1, 1989, agricultural commodity assessments shall be levied by the board on wine producers and growers as follows:

(a) Beginning on July 1, 1989, the assessment on wine producers shall be two cents per gallon on sales of packaged Washington wines.

(b) Beginning on July 1, 1989, the assessment on growers, on sales of Washington vinifera wine grapes, shall be levied at a rate sufficient to raise an amount equal to the amount raised under subsection (1)(a) of this section. The method of calculation and collection of the grower assessment shall be determined under legislation enacted during the 1988 session of the legislature.

(c) After July 1, 1993, assessment rates under subsection (1)(a) of this section may be changed pursuant to a referendum conducted by the Washington wine commission and approved by a majority vote of wine producers. The weight of each producer's vote shall be equal to the percentage of that producer's share of Washington vinifera wine production in the prior year.

(d) After July 1, 1993, assessment amounts under subsection (1)(b) of this section may be changed pursuant to a referendum conducted by the Washington wine commission and approved by a majority vote of grape growers. The weight of each grower's vote shall be equal to the percentage of that grower's share of Washington vinifera grape sales in the prior year.

(2) Assessments collected under this section shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.— RCW (sections 1 through 10 of this act).

(3) Prior to July 1, 1996, a referendum shall be conducted to determine whether to continue the Washington wine commission as representing both wine producers and grape growers. The voting shall not be weighted. The wine producers shall vote whether to continue the commission's coverage of wineries and wine production. The grape producers shall vote whether to continue the commission's coverage of issues pertaining to grape growing. If a majority of both wine and grape producers favor the continuation of the commission, the assessments shall continue as provided in subsection (2) (b) and (d) of this section. If only one group of producers favors the continuation, the assessments shall only be levied on the group which favored the continuation.

NEW SECTION. Sec. 14. A new section is added to chapter 66.12 RCW to read as follows:

The Washington wine commission created under section 3 of this act may purchase or receive donations of Washington wine from wineries and may use such wine for promotional purposes. Wine furnished to the commission under this section which is used within the state is subject to the taxes imposed under RCW 66.24.210. No license, permit, or bond is required of the Washington wine commission under this title for promotional activities conducted under chapter 15.— RCW (sections 1 through 10 of this act).

Sec. 15. Section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 2, chapter 13, Laws of 1983 and RCW 66.28.040 are each amended to read as follows:

Except as permitted by the board under RCW 66.20.010, no brewer, wholesaler, distiller, winery, importer, rectifier, or other manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section nor in RCW 66.28.010 shall prevent a brewer, wholesaler, winery, or importer from furnishing samples of beer or wine to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor control board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board; nothing in this section shall prevent a

brewery, winery, or wholesaler from furnishing beer or wine for instructional purposes under RCW 66.28.150; nothing in this section shall prevent a winery or wholesaler from furnishing wine without charge to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and any wine so furnished shall be used solely for such educational purposes, provided that the wine furnished shall be subject to the taxes imposed by RCW 66.24.210; nothing in this section shall prevent a brewer from serving beer without charge, on the brewery premises; nothing in this section shall prevent donations of wine for the purposes of section 14 of this 1987 act; and nothing in this section shall prevent a domestic winery from serving wine without charge, on the winery premises.

Sec. 16. Section 1, chapter 26, Laws of 1985 as amended by section 24, chapter 203, Laws of 1986 and RCW 15.04.200 are each amended to read as follows:

(1) Under the authority of Article VIII of the state Constitution as amended, agricultural commodity commission expenditures for agricultural development or trade promotion and promotional hosting by an agricultural commodities commission under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.— (sections 1 through 10 of this 1987 act), and 16.67 RCW shall be pursuant to specific budget items as approved by the agricultural commodity commission at the annual public hearings on the agricultural commodity commission budget.

(2) Agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents or commissioners. The rules shall identify officials and agents authorized to make expenditures and the objectives of the expenditures. Individual agricultural commodity commission commissioners shall make promotional hosting expenditures, or seek reimbursements for these expenditures, only in those instances where the expenditures have been approved by the agricultural commodity commission. All payments and reimbursements shall be identified and supported on vouchers.

(3) Agricultural commodity commissions shall be exempt from the requirements of RCW 43.01.090 and 43.19.500 and chapter 43.82 RCW.

NEW SECTION. Sec. 17. A new section is added to chapter 66.44 RCW to read as follows:

Nothing contained in chapter 15.— RCW (sections 1 through 10 of this act) shall affect the compliance by the Washington wine commission with this chapter.

NEW SECTION. Sec. 18. Sections 1 through 10 of this act shall constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 19. This act shall be liberally construed to effectuate its purposes.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. (1) Sections 1 through 9 and 11 through 20 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.

(2) Section 10 of this act shall take effect July 1, 1989.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

CHAPTER 453

[Engrossed House Bill No. 831]

HORSE RACING—COMMISSION'S RETENTION PERCENTAGE INCREASED—EX OFFICIO NONVOTING COMMISSION MEMBERS

AN ACT Relating to the horse racing commission; amending RCW 67.16.175 and 67.16.012; and adding a new section to chapter 67.16 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 135, Laws of 1981 as last amended by section 1, chapter 43, Laws of 1986 and RCW 67.16.175 are each amended to read as follows:

(1) Daily gross receipts of all parimutuel machines from wagers on exotic races shall be distributed according to this section:

(a) In addition to the amounts set forth in RCW 67.16.105, an additional two and five-tenths percent of gross receipts on races with two or more selections and three and five-tenths percent of gross receipts on races with three or more selections shall be paid to the commission. The commission shall retain ~~((twenty-two))~~ thirty-one percent of the additional percentages from exotic races and shall forward the balance to the state treasurer daily for deposit in the general fund.

(b) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional three percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring two selections to be used as provided in subsection (2) of this section.

(c) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional six percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring three or more selections to be used as provided in subsection (2) of this section.

(2) Of the amounts retained in subsection (1) (b) and (c) of this section, one percent shall be used for Washington-bred breeder awards, not to exceed twenty percent of the winner's share of the purse.

(3) Any portion of the remaining moneys retained in subsection (1) (b) and (c) of this section shall be shared equally by the race track and participating horsemen. The amount shared by participating horsemen shall be in addition to and shall not supplant the customary purse structure between race tracks and participating horsemen.

(4) As used in this section, "exotic races" means any multiple wager. Exotic races are subject to approval of the commission.

Sec. 2. Section 2, chapter 55, Laws of 1933 as last amended by section 1, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.012 are each amended to read as follows:

There is hereby created the Washington horse racing commission, to consist of three commissioners, ~~((who))~~ appointed by the governor and confirmed by the senate. The commissioners shall be citizens, residents, and qualified electors of the state of Washington, ~~((and))~~ one of whom shall be a breeder of race horses and ~~((he))~~ shall be of at least one year's standing. ~~((The first members of said commission shall be appointed by the governor within thirty days after March 3, 1933, one for a term to expire on the Thursday following the second Monday in January of 1935, one for a term to expire on the Thursday following the second Monday in January of 1937, and one for a term to expire on the Thursday following the second Monday in January of 1939, upon which expiration of the term of any member, the governor shall appoint a successor for a term of))~~ The terms of the members shall be six years. Each member shall hold office until his or her successor is appointed and qualified. Vacancies in the office of commissioner shall be filled by appointment to be made by the governor for the unexpired term. Any commissioner may be removed at any time at the pleasure of the governor ~~((: PROVIDED, That any member or successor that is appointed or reappointed by the governor after August 11, 1969, shall be confirmed by the senate))~~. Before entering upon the duties of his or her office, each commissioner shall enter into a surety company bond, to be approved by the governor and attorney general, payable to the state of Washington, in the penal sum of five thousand dollars, conditioned upon the faithful performance of his or her duties and the correct accounting and payment of all sums received and coming within his or her control under this chapter, and in addition thereto each commissioner shall take and subscribe to an oath of office of the same form as that prescribed by law for elective state officers.

NEW SECTION. Sec. 3. A new section is added to chapter 67.16 RCW to read as follows:

In addition to the commission members appointed under RCW 67.16.012, there shall be four ex officio nonvoting members consisting of: (1) Two members of the senate, one from the majority political party and one from

the minority political party, both to be appointed by the president of the senate; and (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives. The appointments shall be for the term of two years or for the period in which the appointee serves as a legislator, whichever expires first. Members may be reappointed, and vacancies shall be filled in the same manner as original appointments are made. The ex officio members shall assist in the policy making, rather than administrative, functions of the commission, and shall collect data deemed essential to future legislative proposals and exchange information with the commission. The ex officio members shall be deemed engaged in legislative business while in attendance upon the business of the commission and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the horse racing commission fund as being expenses relative to commission business.

This section shall expire on October 31, 1991.

Passed the House April 21, 1987.

Passed the Senate April 24, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 454

[Engrossed House Bill No. 161]

### MOTORCYCLE HELMETS REQUIRED FOR PERSONS UNDER EIGHTEEN— PERSONS UNDER FIVE PROHIBITED FROM BEING PASSENGERS—FEES INCREASED—SAFETY PROGRAM

AN ACT Relating to motorcycle helmets; and amending RCW 46.37.530, 46.20.505, and 46.20.520.

Be it enacted by the Legislature of the State of Washington:

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 eighteen 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 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. ((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 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 or 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 priorities of the program shall be in the following order of priority:

(a) Public awareness of motorcycle safety.

(b) Motorcycle safety education programs conducted by public and private entities.

(c) Classroom and on-cycle training.

(d) Improved motorcycle operator testing.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 455

[Senate Bill No. 5380]

### RETIREMENT COST-OF-LIVING ADJUSTMENTS

AN ACT Relating to cost-of-living adjustments of retirement benefits; 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.

Be it enacted by the Legislature of the State of Washington:

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.

Passed the Senate April 26, 1987.

Passed the House April 25, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 456

[Second Substitute House Bill No. 684]

### SENTENCING REVISIONS—TASK FORCE ON CIVIL INFRACTIONS

AN ACT Relating to criminal sentencing; amending RCW 9.94A.030, 9.94A.180, 9.94A.360, 9.94A.400, 9.61.190, 9.61.200, 19.91.020, 27.12.340, and 73.16.020; reenacting and amending RCW 9.94A.120; adding a new chapter to Title 7 RCW; repealing RCW 9.61.210,

9.04.030, 9.12.030, 9.45.040, 9.45.120, 9.45.150, 9.58.100, and 38.40.140; prescribing penalties; providing an effective date; and providing expiration dates.

Be it enacted by the Legislature of the State of Washington:

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 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). 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.

(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:

(a) 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);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(12) "Escape" means:

(a) 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); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(13) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(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 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) "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. Partial confinement includes work release as defined in this section.

(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:

(a) 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)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(21) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(22) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(23) "Sex offense" means:

(a) 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;  
or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(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, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(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.

(27) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

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 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 any felony sexual offense 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.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (b) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced prior to July 1, 1987.

After June 30, 1993, (b) of this subsection shall cease to have effect.

(c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:

- (i) Crime-related provisions;
- (ii) A requirement that the offender report to a community corrections officer at regular intervals; and
- (iii) A requirement to remain within or without stated geographical boundaries.

The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the

statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.

If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines 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) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(15) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision.

(16) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release.

Sec. 3. Section 18, chapter 137, Laws of 1981 and RCW 9.94A.180 are each amended to read as follows:

(1) An offender sentenced to a term of partial confinement shall be confined in the facility for at least eight hours per day. The offender shall be required as a condition of partial confinement to report to the facility at designated times. An offender may be required to comply with crime-related prohibitions during the period of partial confinement.

(2) An offender in a county jail ordered to serve all or part of a term of less than one year in work release who violates the rules of the work release facility or fails to remain employed or enrolled in school may be transferred to the appropriate county detention facility without further court order but shall, upon request, be notified of the right to request an administrative hearing on the issue of whether or not the offender failed to comply with the order and relevant conditions. Pending such hearing, or in the absence of a request for the hearing, the offender shall serve the remainder of the term of confinement as total confinement. This subsection shall not affect transfer or placement of offenders committed to the state department of corrections.

Sec. 4. 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) 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 subsection ~~(s)~~ (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)(~~(;)~~) or (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)~~), or Willful Failure to Return from Work Release, RCW 72.65.070(3)), 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 Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) 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.

\*Sec. 5. 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 and the offender shall be sentenced for the current offense with the highest offender score.*** 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. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition does not apply in cases involving vehicular assault or vehicular homicide if the victims occupied the same vehicle. However, the sentencing judge may consider multiple victims in such instances as an aggravating circumstance under 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.

\*Sec. 5 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 6. The legislature finds that many minor offenses that are established as misdemeanors are obsolete or can be more appropriately punished by the imposition of civil fines. The legislature finds that some misdemeanors should be decriminalized to allow resources of the legal system, such as judges, prosecutors, juries, and jails, to be used to punish serious criminal behavior, since acts characterized as criminal behavior have a tremendous fiscal impact on the legal system.

The establishment of a system of civil infractions is a more expeditious and less expensive method of disposing of minor offenses and will decrease the cost and workload of the courts of limited jurisdiction.

NEW SECTION. Sec. 7. A task force on civil infractions is established. The membership of the task force is as follows: (1) Two members of the senate committee on judiciary selected by the chairman, one from each of the two major political parties; (2) two members of the house of representatives' committee on judiciary selected by the chairman, one from each of the two major political parties; (3) one person representing prosecuting attorneys selected by the Washington association of prosecuting attorneys; (4) one person representing municipal attorneys selected by the Washington state association of municipal attorneys; (5) one person representing cities selected by the association of Washington cities; (6) one person representing counties selected by the Washington state association of counties; (7) one person representing law enforcement selected by the Washington association of sheriffs and police chiefs; (8) one person representing the courts of limited jurisdiction selected by the Washington state magistrates' association;

(9) one person representing misdemeanor corrections officers selected by the Washington state misdemeanor corrections officers' association; (10) one person representing defense attorneys selected by the Washington defender association; and (11) one person representing court administrators selected by the Washington state association of court administrators.

Members of the task force shall select the chairperson. The staff of the house and senate judiciary committees shall serve as the staff for the task force. Members of the task force shall be reimbursed for travel expenses as provided in RCW 44.04.120, 43.03.050, and 43.03.060, respectively.

This section shall expire July 1, 1989.

NEW SECTION. Sec. 8. The task force shall study the various crimes designated as misdemeanors and gross misdemeanors in this state and determine if the offense should be classified as a civil infraction under this chapter or if the penalty for the offense should be eliminated or otherwise modified. In making these determinations, the task force shall consider the following: (1) The existing and predicted workload of the courts of limited jurisdiction; (2) the fiscal impact on the court system of characterizing certain behavior as criminal, including the cost of appointed counsel for indigents, jury trials, and jail facilities; (3) using resources of the legal system, such as judges, prosecutors, and juries, to punish minor offenses; (4) the willingness of prosecutors and judges to apply the sanctions of incarceration; (5) stigmas attached to persons convicted of violating criminal statutes; (6) the cost and benefits of implementing an alternative system for effectively and efficiently handling minor offenses; and (7) any other relevant factors affecting the classification.

The task force shall report its findings and recommendations to the legislature no later than June 30, 1989.

This section shall expire July 1, 1989.

NEW SECTION. Sec. 9. (1) All violations of state law, local law, ordinance, regulation, or resolution designated as civil infractions may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine pursuant to this chapter civil infractions that are established by municipal ordinance and that are committed within the jurisdiction of the municipality.

(3) Any city or town with a municipal court under chapter 3.50 RCW may contract with the county to have civil infractions that are established by city or town ordinance and that are committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine civil infractions pursuant to this chapter.

(5) Nothing in this chapter prevents any city, town, or county from hearing and determining civil infractions pursuant to its own system established by ordinance.

**NEW SECTION.** Sec. 10. Notwithstanding any other provision of law governing service of process in civil cases, a court of limited jurisdiction having jurisdiction over an alleged civil infraction may issue process anywhere within the state.

**NEW SECTION.** Sec. 11. All judges and court commissioners adjudicating civil infractions shall complete such training requirements as are promulgated by the supreme court.

**NEW SECTION.** Sec. 12. As used in this chapter, "enforcement officer" means a person authorized to enforce the provisions of the title or ordinance in which the civil infraction is established.

**NEW SECTION.** Sec. 13. (1) A civil infraction proceeding is initiated by the issuance, service, and filing of a notice of civil infraction.

(2) A notice of civil infraction may be issued by an enforcement officer when the civil infraction occurs in the officer's presence.

(3) A court may issue a notice of civil infraction if an enforcement officer files with the court a written statement that the civil infraction was committed in the officer's presence or that the officer has reasonable cause to believe that a civil infraction was committed.

(4) Service of a notice of civil infraction issued under subsection (2) or (3) of this section shall be as provided by court rule. Until such a rule is adopted, service shall be as provided in JTIR 2.2(c)(1) and (3), as applicable.

(5) A notice of infraction shall be filed with a court having jurisdiction within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. A notice of infraction not filed within the time limits prescribed in this section may be dismissed without prejudice.

**NEW SECTION.** Sec. 14. A person who is to receive a notice of civil infraction under section 13 of this act is required to identify himself or herself to the enforcement officer by giving his or her name, address, and date of birth. Upon the request of the officer, the person shall produce reasonable identification, including a driver's license or identicard.

A person who is unable or unwilling to reasonably identify himself or herself to an enforcement officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a civil infraction.

Each agency authorized to issue civil infractions shall adopt rules on identification and detention of persons committing civil infractions.

**NEW SECTION.** Sec. 15. (1) A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless contested as provided in this chapter.

(2) The form for the notice of civil infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a civil infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific civil infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the civil infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that the person may subpoena witnesses including the enforcement officer who issued the notice of civil infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days;

(i) A statement that failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear;

(j) A statement, which the person shall sign, that the person promises to respond to the notice of civil infraction in one of the ways provided in this chapter;

(k) A statement that failure to respond to a notice of civil infraction as promised or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail.

**NEW SECTION.** Sec. 16. (1) Any person who receives a notice of civil infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) If the person determined to have committed the civil infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of civil infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the civil infraction must be submitted with the response. The clerk of a court may accept cash in payment for an infraction. When a response which does not contest the

determination is received, an appropriate order shall be entered in the court's records.

(3) If the person determined to have committed the civil infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

(4) If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

(5) The court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of civil infraction:

(a) Fails to respond to the notice of civil infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section.

NEW SECTION. Sec. 17. (1) Procedures for the conduct of all hearings provided in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, or town may appear in any proceedings under this chapter but need not appear, notwithstanding any statute or rule of court to the contrary.

NEW SECTION. Sec. 18. (1) A hearing held for the purpose of contesting the determination that a civil infraction has been committed shall be without a jury and shall be recorded in the manner provided for in courts of limited jurisdiction.

(2) The court may consider the notice of civil infraction and any other written report made under oath submitted by the enforcement officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may request the court for issuance of subpoena

of witnesses, including the enforcement officer who issued the notice, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the state to establish the commission of the civil infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument, the court shall determine whether the civil infraction was committed. Where it has not been established that the civil infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the civil infraction was committed, an appropriate order shall be entered in the court's records.

(5) An appeal from the court's determination or order shall be to the superior court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the superior court is subject only to discretionary review pursuant to the Rules of Appellate Procedure.

**NEW SECTION.** Sec. 19. (1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of a civil infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the court's records.

(3) There is no appeal from the court's determination or order.

**NEW SECTION.** Sec. 20. (1) A person found to have committed a civil infraction shall be assessed a monetary penalty.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments;

(b) The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

(c) The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

(d) The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

(2) The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.

(3) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be

paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

(4) The court may also order a person found to have committed a civil infraction to make restitution.

**NEW SECTION.** Sec. 21. (1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

**NEW SECTION.** Sec. 22. Each party to a civil infraction case is responsible for costs incurred by that party, but the court may assess witness fees against a nonprevailing respondent. Attorney fees may be awarded to either party in a civil infraction case.

**NEW SECTION.** Sec. 23. Every law enforcement agency in this state or other agency authorized to issue notices of civil infractions shall provide in appropriate form notices of civil infractions which shall be issued in books with notices in quadruplicate and meeting the requirements of this section.

The chief administrative officer of every such agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each notice contained therein issued to individual members or employees of the agency and shall require and retain a receipt for every book so issued.

Every law enforcement officer or other person upon issuing a notice of civil infraction to an alleged perpetrator of a civil infraction under the laws of this state or of any ordinance of any city or town shall deposit the original or a copy of such notice of civil infraction with a court having competent jurisdiction over the civil infraction, as provided in section 13 of this act.

Upon the deposit of the original or a copy of such notice of civil infraction with a court having competent jurisdiction over the civil infraction, the original or copy may be disposed of only as provided in this chapter.

It is official misconduct for any law enforcement officer or other officer or public employee to dispose of a notice of civil infraction or copies thereof or of the record of the issuance of the same in a manner other than as required in this section.

The chief administrative officer of every law enforcement agency or other agency authorized to issue notices of civil infractions shall require the return to him or her of a copy of every notice issued by a person under his or her supervision to an alleged perpetrator of a civil infraction under any law or ordinance and of all copies of every notice which has been spoiled or upon which any entry has been made and not issued to an alleged perpetrator.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every notice issued by a person under his or her supervision a record of the disposition of the charge by the court in which the original or copy of the notice was deposited.

Any person who cancels or solicits the cancellation of any notice of civil infraction, in any manner other than as provided in this section, is guilty of a misdemeanor.

Every record of notices required in this section shall be audited monthly by the appropriate fiscal officer of the government agency to which the law enforcement agency or other agency authorized to issue notices of civil infractions is responsible.

**NEW SECTION.** Sec. 24. (1) A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

(2) Any person wilfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction: **PROVIDED**, That a written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by an appearance by counsel.

(3) A person who wilfully fails to pay a monetary penalty or to perform community service as required by a court under this chapter may be found in civil contempt of court after notice and hearing.

Sec. 25. Section 1, chapter 69, Laws of 1963 and RCW 9.61.190 are each amended to read as follows:

It (~~(shall be unlawful)~~) is a class 1 civil infraction for any person, other than the owner thereof or his authorized agent, to knowingly shoot, kill, maim, injure, molest, entrap, or detain any Antwerp Messenger or Racing Pigeon, commonly called "carrier or racing pigeons", having the name of its owner stamped upon its wing or tail or bearing upon its leg a band or ring with the name or initials of the owner or an identification or registration number stamped thereon.

Sec. 26. Section 2, chapter 69, Laws of 1963 and RCW 9.61.200 are each amended to read as follows:

It (~~(shall be unlawful)~~) is a class 2 civil infraction for any person other than the owner thereof or his authorized agent to remove or alter any



stamp, leg band, ring, or other mark of identification attached to any Antwerp Messenger or Racing Pigeon.

**NEW SECTION.** Sec. 27. Section 3, chapter 69, Laws of 1963 and RCW 9.61.210 are each repealed. (Twenty-five dollar criminal fine for violating RCW 9.61.190 or 9.61.200.)

Sec. 28. Section 2, chapter 286, Laws of 1957 and RCW 19.91.020 are each amended to read as follows:

~~((1))~~ It ~~((shall be unlawful and a violation of this chapter))~~ is a class 1 civil infraction:

~~((1))~~ (a) For any retailer or wholesaler with intent to injure competitors or destroy or substantially lessen competition:

~~((1))~~ (i) To advertise, offer to sell, or sell, at retail or wholesale, cigarettes at less than cost to such a retailer or wholesaler, as said cost is defined in this chapter, as the case may be;

~~((1))~~ (ii) To offer a rebate in price, to give a rebate in price, to offer a concession of any kind, or to give a concession of any kind or nature whatsoever in connection with the sale of cigarettes.

~~((2))~~ (b) For any retailer with intent to injure competitors or destroy or substantially lessen competition:

~~((1))~~ (i) To induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes at a price less than "cost to wholesalers" as defined in this chapter;

~~((1))~~ (ii) To induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind or nature whatsoever in connection with the purchase of cigarettes.

~~((3))~~ Any retailer or wholesaler who violates the provisions of this section shall be guilty of a misdemeanor and shall be prosecuted and punished by a fine of not more than five hundred dollars for each such offense.) (2) Any individual who as a director, officer, partner, member, or agent of any person violating the provisions of this ~~((act))~~ section assists or aids, directly or indirectly in such violation, shall equally with the person for whom he acts, be responsible therefor ~~((and subject to the punishment and penalties set forth herein))~~.

~~((4))~~ (3) Evidence of advertisement, offering to sell, or sale of cigarettes by any retailer or wholesaler at less than cost to him, or evidence of any offer of a rebate in price, or the giving of a rebate in price or an offer of a concession, or the inducing, or attempt to induce, or the procuring, or the attempt to procure the purchase of cigarettes at a price less than cost to the wholesaler or the retailer, shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

(4) This section shall expire July 1, 1991.

Sec. 29. Section 17, chapter 119, Laws of 1935 and RCW 27.12.340 are each amended to read as follows:

~~((Whoever))~~ It is a class 4 civil infraction for any person to wilfully retain((s)) any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept~~((, shall be guilty of a misdemeanor))~~.

Sec. 30. Section 2, chapter 84, Laws of 1895 and RCW 73.16.020 are each amended to read as follows:

All officials or other persons having power to appoint to or employment in the public service set forth in RCW 73.16.010, are charged with a faithful compliance with its terms, both in letter and in spirit, and a failure therein shall be a ~~((misdemeanor, and on conviction shall be punished by a fine of not less than five dollars nor more than twenty-five dollars))~~ class 1 civil infraction.

NEW SECTION: Sec. 31. Any municipal criminal ordinance in existence on the effective date of this section which is the same as or substantially similar to a statute which is decriminalized by sections 25 through 30 and 32 of this act is deemed to be civil in nature and shall be punished as provided in sections 6 through 24 of this act.

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 168, Laws of 1921, section 1, chapter 185, Laws of 1971 ex. sess. and RCW 9.04.030 (Gross misdemeanor – advertising cures of venereal diseases or lost sexual potency);

(2) Section 1, chapter 156, Laws of 1923 and RCW 9.12.030 (Gross misdemeanor – out-of-state solicitation of personal injury claims arising in state);

(3) Section 1, chapter 27, Laws of 1899, section 373, chapter 249, Laws of 1909 and RCW 9.45.040 (Misdemeanor – fraud on a hotel, restaurant, etc.);

(4) Sections 1 through 3, page 122, Laws of 1886, section 33, chapter 69, Laws of 1891, section 385, chapter 249, Laws of 1909 and RCW 9.45.120 (Gross misdemeanor – using false weights and measures);

(5) Section 366, chapter 249, Laws of 1909 and RCW 9.45.150 (Gross misdemeanor – concealing foreign matter in merchandise);

(6) Section 1, chapter 141, Laws of 1925 ex. sess., section 1, chapter 97, Laws of 1913, section 1, chapter 61, Laws of 1933 and RCW 9.58.100 (Gross misdemeanor – slander of a financial institution);

(7) Section 55, chapter 130, Laws of 1943 and RCW 38.40.140 (Misdemeanor – unlawful wearing of military insignia).

NEW SECTION. Sec. 33. Sections 6 through 24 of this act shall constitute a new chapter in Title 7 RCW.

**NEW SECTION.** Sec. 34. Sections 9 through 31 of this act shall take effect January 1, 1989.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to part of section 5, Second Substitute House Bill No. 684 entitled:

"AN ACT Relating to criminal sentencing"

Section 5 of this bill is intended to clarify legislative intent to prohibit multiple sentences for persons committing crimes that encompass the same criminal conduct. Such sentences are served concurrently but are counted separately for the purposes of determining offenders' sentencing scores for subsequent criminal acts.

During the legislative process, section 5 was amended twice to accomplish the same end. The language of the two amendments is incompatible and signing the bill in this form would have the unintended consequence of lowering offender scores for certain cases.

With the exception of part of section 5, Second Substitute House Bill No. 684 is approved."

## CHAPTER 457

[Substitute House Bill No. 430]

### EMPLOYEE COOPERATIVE CORPORATIONS ACT

AN ACT Relating to authorizing and regulating employee cooperative corporations; amending RCW 21.20.320; adding a new chapter to Title 23 RCW; adding a new section to chapter 43.63A RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. This chapter may be cited as the employee cooperative corporations act.

**NEW SECTION.** Sec. 2. For the purposes of this chapter, the terms defined in this section have the meanings given:

(1) "Employee cooperative" means a corporation that has elected to be governed by the provisions of this chapter.

(2) "Member" means a natural person who has been accepted for membership in, and owns a membership share issued by an employee cooperative.

(3) "Patronage" means the amount of work performed as a member of an employee cooperative, measured in accordance with the articles of incorporation and bylaws.

(4) "Written notice of allocation" means a written instrument which discloses to a member the stated dollar amount of the member's patronage

allocation, and the terms for payment of that amount by the employee cooperative.

**NEW SECTION.** Sec. 3. Any corporation organized under the laws of this state may elect to be governed as an employee cooperative under the provisions of this chapter, by so stating in its articles of incorporation, or articles of amendment filed in accordance with Title 23A RCW.

A corporation so electing shall be governed by all provisions of Title 23A RCW, except chapter 23A.20 RCW, and except as otherwise provided in this chapter.

**NEW SECTION.** Sec. 4. An employee cooperative may revoke its election under this chapter by a vote of two-thirds of the members and through articles of amendment filed with the secretary of state in accordance with chapter 23A.16 RCW.

**NEW SECTION.** Sec. 5. An employee cooperative may include the word "cooperative" or "co-op" in its corporate name.

**NEW SECTION.** Sec. 6. (1) The articles of incorporation or the by-laws shall establish qualifications and the method of acceptance and termination of members. No person may be accepted as a member unless employed by the employee cooperative on a full-time or part-time basis.

(2) An employee cooperative shall issue a class of voting stock designated as "membership shares." Each member shall own only one membership share, and only members may own these shares.

(3) Membership shares shall be issued for a fee as determined from time to time by the directors. RCW 23A.08.140 and 23A.08.200 do not apply to such membership shares.

Members of an employee cooperative shall have all the rights and responsibilities of stockholders of a corporation organized under Title 23A RCW, except as otherwise provided in this chapter.

**NEW SECTION.** Sec. 7. (1) No capital stock other than membership shares shall be given voting power in an employee cooperative, except as otherwise provided in this chapter, or in the articles of incorporation.

(2) The power to amend or repeal bylaws of an employee cooperative shall be in the members only.

(3) Except as otherwise permitted by RCW 23A.16.030, no capital stock other than membership shares shall be permitted to vote on any amendment to the articles of incorporation.

**NEW SECTION.** Sec. 8. (1) The net earnings or losses of an employee cooperative shall be apportioned and distributed at the times and in the manner as the articles of incorporation or bylaws shall specify. Net earnings declared as patronage allocations with respect to a period of time, and paid or credited to members, shall be apportioned among the members in accordance with the ratio which each member's patronage during the period involved bears to total patronage by all members during that period.

(2) The apportionment, distribution, and payment of net earnings required by subsection (1) of this section may be in cash, credits, written notices of allocation, or capital stock issued by the employee cooperative.

**NEW SECTION.** Sec. 9. (1) Any employee cooperative may establish through its articles of incorporation or bylaws a system of internal capital accounts to reflect the book value and to determine the redemption price of membership shares, capital stock, and written notices of allocation.

(2) The articles of incorporation or bylaws of an employee cooperative may permit the periodic redemption of written notices of allocation and capital stock, and must provide for recall and redemption of the membership share upon termination of membership in the cooperative. No redemption shall be made if redemption would result in a violation of RCW 23A.08.020.

(3) The articles of incorporation or bylaws may provide for the employee cooperative to pay or credit interest on the balance in each member's internal capital account.

(4) The articles of incorporation or bylaws may authorize assignment of a portion of retained net earnings and net losses to a collective reserve account. Earnings assigned to the collective reserve account may be used for any and all corporate purposes as determined by the board of directors.

**NEW SECTION.** Sec. 10. (1) An internal capital account cooperative is an employee cooperative whose entire net book value is reflected in internal capital accounts, one for each member, and a collective reserve account, and in which no persons other than members own capital stock. In an internal capital account cooperative, each member shall have one and only one vote in any matter requiring voting by stockholders.

(2) An internal capital account cooperative shall credit the paid-in membership fee and additional paid-in capital of a member to the member's internal capital account, and shall also record the apportionment of retained net earnings or net losses to the members in accordance with patronage by appropriately crediting or debiting the internal capital accounts of members. The collective reserve account in an internal capital account cooperative shall reflect any paid-in capital, net losses, and retained net earnings not allocated to individual members.

(3) In an internal capital account cooperative, the balances in all the individual internal capital accounts and collective reserve account, if any, shall be adjusted at the end of each accounting period so that the sum of the balances is equal to the net book value of the employee cooperative.

**NEW SECTION.** Sec. 11. (1) When any employee cooperative revokes its election in accordance with section 4 of this act, the articles of amendment shall provide for conversion of membership shares and internal capital accounts or their conversion to securities or other property in a manner consistent with Title 23A RCW.

(2) An employee cooperative that has not revoked its election under this chapter may not consolidate or merge with another corporation other than an employee cooperative. Two or more employee cooperatives may consolidate or merge in accordance with chapter 23A.20 RCW.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 23 RCW.

Sec. 13. Section 32, chapter 282, Laws of 1959 as last amended by section 1, chapter 90, Laws of 1986 and RCW 21.20.320 are each amended to read as follows:

The following transactions are exempt from RCW 21.20.040 through 21.20.300 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offering not exceeding five hundred thousand dollars effected in accordance with any rule by the director if the director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected

with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

~~(16) ((Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness, or stock for a patronage dividend, or for contributions to capital by such patrons in the association if any such receipt, written notice, or certificate made pursuant to this paragraph is nontransferable except in the case of death or by operation of law and so states conspicuously on its face:~~

~~(17)))~~ Any transaction effected in accordance with any rule adopted by the director establishing a limited offering exemption which furthers objectives of compatibility with federal exemptions and uniformity among the states, provided that in adopting any such rule the director may require that no commission or other remuneration be paid or given to any person, directly or indirectly, for effecting sales unless the person is registered under this chapter as a broker-dealer or salesperson.

NEW SECTION. Sec. 14. The intent of the legislature in amending RCW 21.20.320 is to except from chapter 21.20 RCW membership shares in cooperatives that are organized under cooperative principles. The securities division of the department of licensing shall retain its authority to investigate organizations purporting to be cooperatives to ensure that such organizations are organized and operating under cooperative principles. The legislature finds that such cooperative principles include, but are not limited to: (1) Nontransferability of membership interests, except in the case of death, operation of law, or redemption by the cooperative; (2) no profits paid to such membership interests; and (3) each member in the cooperative has voting rights on the basis of one vote per member.

NEW SECTION. Sec. 15. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department of community development shall integrate an employee ownership program within its existing technical assistance programs. The employee ownership program shall provide technical assistance to cooperatives authorized under sections 1 through 11 of this act and conduct educational programs on employee ownership and self-management. The department shall include information on the option of employee ownership wherever appropriate in its various programs.



(2) The director of the department shall form an employee ownership advisory panel to assist in the development of the employee ownership program. The panel shall consist of representatives of educational institutions; local, regional, and national cooperative and employee-ownership organizations; employee-owned cooperatives; firms with employee stock ownership plans; and associate development organizations.

(3) The department shall maintain a list of firms and individuals with expertise in the field of employee ownership and utilize such firms and individuals, as appropriate, in delivering and coordinating the delivery of technical, managerial, and educational services. In addition, the department shall work with and rely on the services of the department of trade and economic development, the employment security department, and state institutions of higher education to promote employee ownership.

(4) The department shall report to the governor, the trade and economic development committee of the house of representatives, the commerce and labor committee of the senate, and the ways and means committees of each house by December 1 of 1988, and each year thereafter, on the accomplishments of the employee-ownership program. Such reports shall include the number and types of firms assisted, the number of jobs created by such firms, the types of services, the number of workshops presented, the number of employees trained, and the results of client satisfaction surveys distributed to those using the services of the program.

(5) For purposes of this section, an employee stock ownership plan qualifies as a cooperative if at least fifty percent, plus one share, of its voting shares of stock are voted on a one-person-one-vote basis.

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.

Passed the House April 20, 1987.

Passed the Senate April 13, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 458

[House Bill No. 1228]

### ALCOHOL AND SUBSTANCE ABUSE—PENALTIES—TREATMENT

AN ACT Relating to criminal penalties for, criminal sentences for, education regarding, and treatment for alcohol and substance abuse; amending RCW 9.94A.030, 66.44.270, 69.50.401, 69.50.406, 26.28.080, 66.08.180, 66.24.320, 66.24.330, 48.21.160, 48.21.180, 48.44.240, and 48.46.350; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 69.50 RCW; adding a new chapter to Title 69 RCW; creating a new section; repealing RCW 48.21.170; providing effective dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

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 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.

**NEW SECTION.** Sec. 2. A new section is added to chapter 69.50 RCW to read as follows:

(a) A person who unlawfully delivers a controlled substance in violation of RCW 69.50.401(a)(1) (i) or (ii) which controlled substance is subsequently used by the person to whom it was delivered, resulting in the death of the user, is guilty of controlled substances homicide.

(b) Controlled substances homicide is a class B felony punishable according to RCW 9A.20.021.

Sec. 3. Section 2, chapter 70, Laws of 1955 and RCW 66.44.270 are each amended to read as follows:

~~((Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control. It is unlawful for any person under the age of twenty-one years to acquire or have in his possession or consume any liquor except as in this section provided and except when such liquor is being used in connection with religious services:~~

~~Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture, shall not be a disqualification of such person to acquire a license to sell or dispense any liquor after such person shall have attained the age of twenty-one years.))~~ (1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control.

(2) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor.

(3) This section does not apply to liquor given or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter 66.24 RCW.

(4) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.

(5) This section does not apply to liquor given to a person under the age of twenty-one years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

(6) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license

to sell or dispense any liquor after that person has attained the age of twenty-one years.

Sec. 4. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as last amended by section 1, chapter 67, Laws of 1979 and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or fined not more than twenty-five thousand dollars, or both;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a

crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

(f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

Sec. 5. Section 69.50.406, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.406 are each amended to read as follows:

(a) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing a controlled substance listed in Schedules I or II which is a narcotic drug to a person under eighteen years of age (~~who is at least three years his junior~~) is punishable by the fine authorized by RCW 69.50.401(a)(1)(i), by a term of imprisonment of up to twice that authorized by RCW 69.50.401(a)(1)(i), or by both.

(b) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing any other controlled substance listed in Schedules I, II, III, IV, and V to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by RCW 69.50.401(a)(1)(ii), (iii), or (iv), by a term of imprisonment up to twice that authorized by RCW 69.50.401(a)(1)(ii), (iii), or (iv), or both.

*\*Sec. 6. Sections 1, 3, and 4, chapter 126, Laws of 1895 as last amended by section 37, chapter 292, Laws of 1971 ex. sess. and RCW 26-.28.080 are each amended to read as follows:*

*Every person who:*

*(1) Shall admit to or allow to remain in any concert saloon, or in any place owned, kept, or managed by him where intoxicating liquors are sold, given away or disposed of—except a restaurant or dining room, any person under the age of eighteen years; or,*

*(2) Shall admit to, or allow to remain in any dance-house, public pool or billiard hall, or in any place of entertainment injurious to health or morals,*

*owned, kept or managed by him, any person under the age of eighteen years; or,*

*(3) Shall suffer or permit any such person to play any game of skill or chance, in any such place, or in any place adjacent thereto, or to be or remain therein, or admit or allow to remain in any reputed house of prostitution or assignation, or in any place where opium or any preparation thereof, is smoked, or where any narcotic drug is used, any persons under the age of eighteen years; or,*

*(4) Shall sell or give, or permit to be sold or given ~~((to any person under the age of twenty-one years any intoxicating liquor, or))~~ to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form; or*

*(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;*

*Shall be guilty of a gross misdemeanor.*

*It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.*

\*Sec. 6 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 7. (1) It is unlawful for any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, to knowingly rent, lease, or make available for use, with or without compensation, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, delivering, selling, storing, or giving away any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 8. (1) It is unlawful for any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, to knowingly allow the building, room, space, or enclosure to be fortified to suppress law enforcement entry in order to further the unlawful manufacture, delivery, sale, storage, or gift of any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 9. (1) It is unlawful for any person to use a building, room, space, or enclosure specifically designed to suppress law enforcement entry in order to unlawfully manufacture, deliver, sell, store, or give away any controlled substance under chapter 69.50 RCW, legend drug



under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

Sec. 10. Section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 87, Laws of 1986 and RCW 66.08.180 are each amended to read as follows:

Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title: AND PROVIDED FURTHER, That all license fees, penalties and forfeitures derived under this act from class H licenses or class H licensees shall every three months be disbursed by the board as follows:

(1) 5.95 percent to the University of Washington and 3.97 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research;

(2) 1.75 percent, but in no event less than one hundred fifty thousand dollars per biennium, to the University of Washington to conduct the state toxicological laboratory pursuant to RCW 68.08.107; ((and)) .

(3) 88.33 percent ((and twenty percent of the total amount derived from license fees under RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370)) to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96.085, as now or hereafter amended((:AND PROVIDED FURTHER, That one-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedure to insure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for));

(4) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

(5) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370, shall be transferred to the general fund to be used by

the department of social and health services solely to carry out the purposes of RCW 70.96.085; and

(6) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

Sec. 11. Section 23-M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 37, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.320 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class A license to sell beer at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to hotels, restaurants, drug stores or soda fountains, dining places on boats and airplanes, to clubs, and at sports arenas or race tracks during recognized professional athletic events. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns	Fee
Less than 20,000	\$((+50)) <u>205</u>
20,000 or over	\$((300)) <u>355</u>

The annual fee for such license, if issued outside of cities and towns, shall be ~~((one hundred fifty))~~ two hundred five dollars: PROVIDED, HOWEVER, That the annual license fee for such license, if issued to dining places on vessels not exceeding one thousand gross tons, plying on inland waters of the state of Washington on regular schedules, shall be ~~((one hundred fifty))~~ two hundred five dollars.

Sec. 12. Section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 38, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.330 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class B license to sell beer at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED,

HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to a person operating a tavern. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns	Fees
Less than 20,000	<del>\$(150)</del> <u>205</u>
20,000 or over	<del>\$(300)</del> <u>355</u>

The annual fee for such license, if issued outside of cities and towns, shall be ~~((one hundred fifty))~~ two hundred five dollars.

Sec. 13. 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 15, 17, and 19 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 15, 17, and 19 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. 14. 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. 15. 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. 16. 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. 17. 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. 18. 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. 19. 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. 20. Section 2, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.170 are each repealed.

NEW SECTION. Sec. 21. 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. 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.

NEW SECTION. Sec. 22. Sections 7 through 9 of this act shall constitute a new chapter in Title 69 RCW.

***\*NEW SECTION. Sec. 23. Section 10 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.***

\*Sec. 23 was vetoed, see message at end of chapter.

**NEW SECTION. Sec. 24.** Sections 13 through 20 of this act shall take effect on January 1, 1988.

**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.

Passed the House April 23, 1987.

Passed the Senate April 17, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 6 and 23, House Bill No. 1228 entitled:

"AN ACT Relating to criminal penalties for, criminal sentences for, education regarding, and treatment for alcohol and substance abuse;"

Section 6 amends RCW 26.28.080 by striking language relating to providing alcohol to minors. The same amendment was effected in slightly different form by chapter 204, laws of 1987.

Section 23 provides an effective date of July 1, 1988, for section 10 which authorizes the distribution of certain beer retailer license fees. Section 10(4) provides funds to the superintendent of public instruction for an alcohol prevention program. However, the fee increase providing these funds does not take effect until July 19. Without a veto of section 23, the general fund will lose approximately \$150,000 which it can ill afford.

With the exception of sections 6 and 23, House Bill No. 1228 is approved."

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## CHAPTER 459

[Substitute Senate Bill No. 5880]

### TUITION RECOVERY FUND—PRIVATE VOCATIONAL SCHOOLS

AN ACT Relating to private vocational schools; amending RCW 28C.10.050 and 28C.10.060; adding new sections to chapter 28C.10 RCW; repealing RCW 28C.10.080; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** A new section is added to chapter 28C.10 RCW to read as follows:

(1) The agency shall establish, maintain, and administer a tuition recovery fund. All funds collected for the tuition recovery fund are payable to

the state for the benefit and protection of any student or enrollee of a private vocational school licensed under this chapter, or, in the case of a minor, his or her parents or guardian, for purposes including but not limited to the settlement of claims procedures under subsection (9) of this section and RCW 28C.10.120. The fund shall be liable for settlement of claims and costs of administration but shall not be liable to pay out or recover penalties assessed under RCW 28C.10.130 or 28C.10.140. No liability accrues to the state of Washington from claims made against the fund.

(2) To be and remain licensed under this chapter each entity shall, in addition to other requirements under this chapter, make cash deposits into a tuition recovery fund as a means to assure payment of claims brought under this chapter. The fund shall be initially capitalized at two hundred thousand dollars and shall achieve an operating balance of at least one million dollars within five years after the effective date of this section as required under subsection (5) of this section.

(3) The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be established by the agency, based on an incremental scale that recognizes the average amount of unearned prepaid tuition in possession of the entity. However, the minimum amount of liability for any entity shall not be less than five thousand dollars and the maximum amount shall not exceed two hundred thousand dollars. Such limitation on each entity's liability remains unchanged by single or cumulative disbursements made on behalf of the entity. The upper limit of liability is reestablished following the settlement of any claim.

(4) Within sixty days after any entity deposits its initial contribution into the fund, the agency shall release whatever surety such entity had previously filed. Thereupon, the tuition recovery fund shall be liable for a period of one year following the date such surety is released with respect to prior claims against the surety. However, the liability of the fund is limited to the amount of and subject to the defenses of that released surety as though it had remained on file with the agency. The fund's liability with respect to each entity that makes an initial deposit into the fund commences on that date and ceases one year from the date it is no longer licensed under this chapter.

(5) The agency shall adopt by rule a matrix for calculating the deposits into the fund required of each entity. Proration shall be determined by factoring the entity's share of liability in proportion to the aggregated liability of all participants under the fund by grouping such prorations under the incremental scale created in subsection (3) of this section. Expressed as a percentage of the total liability, that figure determines the amount to be contributed when factored into a fund containing one million dollars. The total amount of its prorated share, minus the amount paid for initial capitalization, shall be payable in ten equal increments over a five-year period,

commencing with the sixth month after the effective date of this section. Additionally, the agency shall require deposits for initial capitalization, under which the amount each entity deposits is proportionate to its share of two hundred thousand dollars, employing the matrix developed under this subsection. The amount thus established shall be deposited by each licensee of record, within thirty days after the effective date of this section and a like amount shall be deposited by each subsequent applicant for licensing before the issuance of such license.

(6) No vested right or interests in deposited funds is created or implied for the depositor, either at any time during the operation of the fund or at any such future time that the fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The agency shall maintain the fund, collect deposits when due by serving appropriate notices to affected entities, and make disbursements to settle claims. When the deposits total five million dollars and the history of disbursements so warrants, the agency may at its own option reduce the schedule of deposits whether as to time, amount, or both. When such level is achieved, the agency may also entertain proposals from among the licensees with regard to disbursing surplus funds for such purposes as vocational scholarships.

(7) The agency shall make determinations based on annual financial data supplied by the entity whether the increment assigned to that entity on the incremental scale established under subsection (5) of this section has changed. If an increase or decrease has occurred, a corresponding change in its incremental position and contribution schedule shall be made before the date of its next scheduled deposit into the fund.

(8) If fifty-one percent or more of the ownership interest in an entity is conveyed through sale or other means into different ownership, the contribution schedule of the prior owner is canceled. All contributions made to the date of transfer accrue to the fund. The new owner commences contributions under provisions applying to a new applicant.

(9) To settle complaints adjudicated under RCW 28C.10.120 and claims resulting from closure of an entity, the agency may make disbursements from the fund. In addition to the processes described under RCW 28C.10.120 for handling complaints, the following additional procedures are established to deal with school closures:

(a) The agency shall attempt to notify all potential claimants. The absence of records and other circumstances may make it impossible or unreasonable for the agency to ascertain the names and whereabouts of each potential claimant but the agency shall make reasonable inquiries to secure that information from all likely sources. The agency shall then proceed to settle the claims on the basis of information in its possession. The agency is not responsible or liable for claims or for handling claims that may subsequently appear or be discovered.



(b) Thirty days after identified potential claimants have been notified, if a claimant refuses or neglects to file a claim verification as requested in such notice, the agency shall be relieved of further duty or action on behalf of the claimant under this chapter.

(c) After verification and review, the agency may disburse funds from the tuition recovery fund to settle or compromise the claims. However, the liability of the fund for claims against the closed entity shall not exceed that total amount of the contribution schedule assigned to that entity under subsection (5) of this section.

(d) The agency shall seek to recover such disbursed funds from the assets of the defaulted entity, including but not limited to asserting claims as a creditor in bankruptcy proceedings.

(10) When funds are disbursed to settle claims against a current licensee, the agency shall make demand upon the licensee for recovery. The agency shall adopt schedules of times and amounts acceptable for effecting recoveries. An entity's failure to perform subjects its license to suspension or revocation under RCW 28C.10.050 in addition to any other available remedies.

(11) A minimum operating balance of two hundred thousand dollars shall be maintained in the fund. If disbursements reduce the balance below two hundred thousand dollars, each participating entity shall be assessed a prorata share of the deficiency created, based upon the incremental scale created under subsection (5) of this section. The agency shall promptly adopt schedules of times and amounts acceptable for affecting payments of assessments.

**NEW SECTION.** Sec. 2. A new section is added to chapter 28C.10 RCW to read as follows:

The tuition recovery fund is hereby established in the custody of the state treasurer. The agency shall deposit in the fund all moneys received under section 1 of this act. Moneys in the fund may be spent only for the purposes under section 1 of this act. Disbursements from the fund shall be on authorization of the agency. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. All earnings of investments of such balances shall be credited to the tuition recovery fund.

Sec. 3. Section 5, chapter 299, Laws of 1986 and RCW 28C.10.050 are each amended to read as follows:

(1) The agency shall adopt by rule minimum standards for private vocational schools. The minimum standards shall include, but not be limited to, requirements for each school to:

(a) Disclose to the agency information about its ownership and financial position and to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.17 RCW.

(b) Follow a uniform state-wide cancellation and refund policy as specified by the agency.

(c) Disclose through use of a school catalog, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what information is required.

(d) Use an enrollment contract or agreement that includes: (i) The cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries may be made to the agency, and (iii) other necessary information as determined by the agency.

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed.

(f) Comply with the requirements of section 1 of this 1987 act.

(2) The agency shall deny, revoke, or suspend the license of any school that does not meet or maintain the minimum standards.

Sec. 4. Section 6, chapter 299, Laws of 1986 and RCW 28C.10.060 are each amended to read as follows:

Any entity desiring to operate a private vocational school shall apply for a license to the agency on a form provided by the agency. The agency shall issue a license if the school:

(1) Files a completed application with information satisfactory to the agency. Misrepresentation by an applicant shall be grounds for the agency, at its discretion, to deny or revoke a license.

(2) ~~((Files the surety bond or other security required under this chapter))~~ Complies with the requirements for the tuition recovery fund under section 1 of this 1987 act.

(3) Pays the required fees.

(4) Meets the minimum standards adopted by the agency under RCW 28C.10.050.

Licenses shall be valid for one year from the date of issue unless revoked or suspended. If a school fails to file a completed renewal application at least thirty days before the expiration date of its current license the school shall be subject to payment of a late filing fee fixed by the agency.

NEW SECTION. Sec. 5. Section 8, chapter 299, Laws of 1986 and RCW 28C.10.080 are each repealed.

NEW SECTION. Sec. 6. The sum of twenty-six thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the commission for vocational education to carry out the purposes of this act. After expenditure of the amounts appropriated in this section, the agency's costs of administering the tuition recovery fund shall be paid from the fund.

**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.

Passed the Senate April 21, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 460

[Substitute House Bill No. 48]

### PARENTING—CHILD CUSTODY AND CHILD SUPPORT

AN ACT Relating to parenting; amending RCW 26.09.010, 26.09.040, 26.09.050, 26.09.070, 26.09.110, 26.09.160, 26.09.210, 26.09.220, 26.09.240, 26.09.260, 26.09.280, 26.09.255, 9A.40.060, 9A.40.070, 9A.40.080, 26.50.060, and 26.26.130; adding new sections to chapter 26.09 RCW; adding a new chapter in Title 26 RCW; creating new sections; repealing RCW 26.09.180, 26.09.190, 26.09.200, 26.09.230, and 26.09.250; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 157, Laws of 1973 1st ex. sess. as amended by section 1, chapter 32, Laws of 1975 and RCW 26.09.010 are each amended to read as follows:

**CIVIL PRACTICE TO GOVERN—DESIGNATION OF PROCEEDINGS—DECREES.** (1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of . . . . . and . . . . . ." Such proceeding may be filed in the superior court of the county where the petitioner resides.

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or ~~((custody or))~~ support obligations for a minor child, a separate ~~((custody or))~~ support proceeding shall be entitled "In re the ~~((custody-))~~support(~~(?)~~) of . . . . ."

(4) The initial pleading in all proceedings for dissolution of marriage under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

**NEW SECTION.** Sec. 2. A new section is added to chapter 26.09 RCW to read as follows:

**POLICY.** Parents have the responsibility to make decisions and perform other parental functions necessary for the care and growth of their minor children. In any proceeding between parents under this chapter, the best interests of the child shall be the standard by which the court determines and allocates the parties' parental responsibilities. The state recognizes the fundamental importance of the parent-child relationship to the welfare of the child, and that the relationship between the child and each parent should be fostered unless inconsistent with the child's best interests. The best interests of the child are served by a parenting arrangement that best maintains a child's emotional growth, health and stability, and physical care. Further, the best interest of the child is ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, mental, or emotional harm.

**NEW SECTION.** Sec. 3. A new section is added to chapter 26.09 RCW to read as follows:

**DEFINITIONS.** The definitions in this section apply throughout this chapter.

(1) "Temporary parenting plan" means a plan for parenting of the child pending final resolution of any action for dissolution of marriage, declaration of invalidity, or legal separation which is incorporated in a temporary order.

(2) "Permanent parenting plan" means a plan for parenting the child, including allocation of parenting functions, which plan is incorporated in any final decree or decree of modification in an action for dissolution of marriage, declaration of invalidity, or legal separation.

(3) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting functions include:

(a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;

(b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming, supervision, health care, and day care, and engaging in other activities which are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;

(c) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;

(d) Assisting the child in developing and maintaining appropriate interpersonal relationships;

(e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances; and

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

Sec. 4. Section 4, chapter 157, Laws of 1973 1st ex. sess. as amended by section 2, chapter 32, Laws of 1975 and RCW 26.09.040 are each amended to read as follows:

**PETITION TO HAVE MARRIAGE DECLARED INVALID OR JUDICIAL DETERMINATION OF VALIDITY—PROCEDURE—FINDINGS—GROUNDS—LEGITIMACY OF CHILDREN. (1)**

While both parties to an alleged marriage are living, and at least one party is resident in this state or a member of the armed service and stationed in the state, a petition to have the marriage declared invalid may be sought by:

(a) Either or both parties, or the guardian of an incompetent spouse, for any cause specified in subsection (4) of this section; or

(b) Either or both parties, the legal spouse, or a child of either party when it is alleged that the marriage is bigamous.

(2) If the validity of a marriage is denied or questioned at any time, either or both parties to the marriage may petition the court for a judicial determination of the validity of such marriage.

(3) In a proceeding to declare the invalidity of a marriage, the court shall proceed in the manner and shall have the jurisdiction, including the authority to provide for maintenance, ~~((custody, visitation, support))~~ a parenting plan for minor children, and division of the property of the parties, provided by this chapter.

(4) After hearing the evidence concerning the validity of a marriage, if both parties to the alleged marriage are still living, the court:

(a) If it finds the marriage to be valid, shall enter a decree of validity;

(b) If it finds that:

(i) The marriage should not have been contracted because of age of one or both of the parties, lack of required parental or court approval, a prior undissolved marriage of one or both of the parties, reasons of consanguinity, or because a party lacked capacity to consent to the marriage, either because of mental incapacity or because of the influence of alcohol or other incapacitating substances, or because a party was induced to enter into the marriage by force or duress, or by fraud involving the essentials of marriage, and that the parties have not ratified their marriage by voluntarily cohabiting after attaining the age of consent, or after attaining capacity to consent, or after cessation of the force or duress or discovery of the fraud, shall declare the marriage invalid as of the date it was purportedly contracted;

(ii) The marriage should not have been contracted because of any reason other than those above, shall upon motion of a party, order any action which may be appropriate to complete or to correct the record and enter a

decree declaring such marriage to be valid for all purposes from the date upon which it was purportedly contracted;

(c) If it finds that a marriage contracted in a jurisdiction other than this state, was void or voidable under the law of the place where the marriage was contracted, and in the absence of proof that such marriage was subsequently validated by the laws of the place of contract or of a subsequent domicile of the parties, shall declare the marriage invalid as of the date of the marriage.

(5) Any child of the parties born or conceived during the existence of a marriage of record is legitimate and remains legitimate notwithstanding the entry of a declaration of invalidity of the marriage.

Sec. 5. Section 5, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.050 are each amended to read as follows:

PROVISIONS FOR PARENTING PLAN—MAINTENANCE—DISPOSITION OF PROPERTY AND LIABILITIES. In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall ~~((consider, approve, or))~~ determine the marital status of the parties, make provision for ((child custody and visitation, the support of)) a parenting plan for any minor child of the marriage ((entitled to support)), make provision for the support of any child of the marriage entitled to support, consider or approve provision for the maintenance of either spouse, ((and)) make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders, and make provision for the change of name of any party entitled to such a change.

Sec. 6. Section 7, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.070 are each amended to read as follows:

SEPARATION CONTRACTS. (1) The parties to a marriage, in order to promote the amicable settlement of disputes attendant upon their separation or upon the filing of a petition for dissolution of their marriage, a decree of legal separation, or declaration of invalidity of their marriage, may enter into a written separation contract providing for the maintenance of either of them, the disposition of any property owned by both or either of them, the ~~((custody, support, and visitation of))~~ parenting plan for their children and for the release of each other from all obligation except that expressed in the contract.

(2) If the parties to such contract elect to live separate and apart without any court decree, they may record such contract and cause notice thereof to be published in a legal newspaper of the county wherein the parties resided prior to their separation. Recording such contract and publishing notice of the making thereof shall constitute notice to all persons of such separation and of the facts contained in the recorded document.

(3) If either or both of the parties to a separation contract shall at the time of the execution thereof, or at a subsequent time, petition the court for dissolution of their marriage, for a decree of legal separation, or for a declaration of invalidity of their marriage, the contract, except for those terms providing for ~~((the custody, support, and visitation of))~~ a parenting plan for their children, shall be binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties on their own motion or on request of the court, that the separation contract was unfair at the time of its execution.

(4) If the court in an action for dissolution of marriage, legal separation, or declaration of invalidity finds that the separation contract was unfair at the time of its execution, it may make orders for the maintenance of either party, the disposition of their property and the discharge of their obligations.

(5) Unless the separation contract provides to the contrary, the agreement shall be set forth in the decree of dissolution, legal separation, or declaration of invalidity, or filed in the action or made an exhibit and incorporated by reference, except that in all cases the terms ~~((for custody, support, and visitation))~~ of the parenting plan shall be set out in the decree, and the parties shall be ordered to comply with its terms.

(6) Terms of the contract set forth or incorporated by reference in the decree may be enforced by all remedies available for the enforcement of a judgment, including contempt, and are enforceable as contract terms.

(7) When the separation contract so provides, the decree may expressly preclude or limit modification of any provision for maintenance set forth in the decree. Terms of a separation contract pertaining to ~~((custody, support, and visitation of))~~ parenting plan for the children and, in the absence of express provision to the contrary, terms providing for maintenance set forth or incorporated by reference in the decree are automatically modified by modification of the decree.

(8) If at any time the parties to the separation contract by mutual agreement elect to terminate the separation contract they may do so without formality unless the contract was recorded as in subsection (2) of this section, in which case a statement should be filed terminating the contract.

**NEW SECTION.** Sec. 7. A new section is added to chapter 26.09 RCW to read as follows:

**PROCEDURE FOR DETERMINING PERMANENT PARENTING PLAN.** (1) **SUBMISSION OF PROPOSED PLANS.** The petition and the response shall contain a proposed parenting plan where there are minor children of the parties. Where the petition or the response does not contain a proposed permanent parenting plan, the party who has filed a proposed permanent parenting plan may move for a default.

(2) Either party may file and serve an amended proposed permanent parenting plan according to the rules for amending pleadings.

(3) **AGREED PERMANENT PARENTING PLANS.** The parents may make an agreed permanent parenting plan.

(4) **MANDATORY SETTLEMENT CONFERENCE.** Where mandatory settlement conferences are provided under court rule, the parents shall attend a mandatory settlement conference. The mandatory settlement conference shall be presided over by a judge or a court commissioner, who shall apply the criteria in sections 9 and 10 of this act. The parents shall in good faith review the proposed terms of the parenting plans and any other issues relevant to the cause of action with the presiding judge or court commissioner. Facts and legal issues that are not then in dispute shall be entered as stipulations for purposes of final hearing or trial in the matter.

(5) **TRIAL SETTING.** Trial dates for actions involving minor children brought under this chapter shall receive priority. The final order or decree shall be entered not sooner than ninety days after filing and service.

**NEW SECTION.** Sec. 8. A new section is added to chapter 26.09 RCW to read as follows:

**PERMANENT PARENTING PLAN. (1) OBJECTIVES.** The objectives of the permanent parenting plan are to:

- (a) Provide for the child's physical care;
- (b) Maintain the child's emotional stability;
- (c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;
- (d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in sections 9 and 10 of this act;
- (e) Minimize the child's exposure to harmful parental conflict;
- (f) Encourage the parents, where appropriate under sections 9 and 10 of this act, to meet their responsibilities to their dependent children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and
- (g) To otherwise protect the best interests of the child consistent with section 2 of this act.

(2) **CONTENTS OF THE PERMANENT PARENTING PLAN.** The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, residential provisions for the child and financial support for the child consistent with the criteria in sections 9 and 10 of this act.

(3) **DISPUTE RESOLUTION.** A process for resolving disputes, other than court action, shall be provided unless precluded or limited by section 9 or 10 of this act. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In setting forth a dispute resolution process, the permanent parenting plan shall state that:



- (a) Preference shall be given to carrying out the parenting plan;
- (b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;
- (c) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent; and
- (d) The parties have the right of review from the dispute resolution process to the superior court.

**(4) ALLOCATION OF DECISION-MAKING AUTHORITY.**

(a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in sections 9 and 10 of this act. Regardless of the allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

(b) The plan shall state that:

- (i) Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent;
- (ii) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.

**(5) RESIDENTIAL PROVISIONS FOR THE CHILD.** The plan shall include a residential schedule which designates in which parent's home each dependent child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in sections 9 and 10 of this act.

**(6) CHILD SUPPORT.** Provision shall be made for the financial support of the child in accordance with RCW 26.09.100, 26.09.130, and 26.09.135. The provision shall state the identity of the child for whom support is paid, the amount of support to be paid and by whom, provision for medical and dental insurance consistent with RCW 26.09.105, notice regarding mandatory wage assignments as required by RCW 26.09.135, and the terms under which the support obligation terminates.

(7) The plan shall state that if a parent fails to comply with a provision of a parenting plan, the other parent's obligations under the parenting plan are not affected.

**NEW SECTION.** Sec. 9. A new section is added to chapter 26.09 RCW to read as follows:

**CRITERIA FOR ESTABLISHING PERMANENT PARENTING PLAN. (1) DISPUTE RESOLUTION PROCESS.** The court shall not order a dispute resolution process, except court action, if any limiting factor under section 10 of this act applies, or if either parent is unable to afford

the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

**(2) ALLOCATION OF DECISION-MAKING AUTHORITY.**

(a) **AGREEMENTS BETWEEN THE PARTIES.** The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in section 8(4)(a) of this act, where it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by section 10 of this act; and

(ii) The agreement is knowing and voluntary.

(b) **SOLE DECISION-MAKING AUTHORITY.** The court shall order sole decision-making to one parent when:

(i) A limitation on the other parent's decision-making authority is mandated by section 10 of this act;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection;

(c) **MUTUAL DECISION-MAKING AUTHORITY.** Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under section 10 of this act;

(ii) The history of participation of each parent in decision making in each of the areas in section 8(4)(a) of this act;

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in section 8(4)(a) of this act; and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

**(3) RESIDENTIAL PROVISIONS.**

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with section 10 of this act. Where the limitations of section 10 of this act are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent, including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions;

(iv) The emotional needs and developmental level of the child;

(v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities; and

(vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule.

Factor (i) shall be given the greatest weight.

(b) The court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time only if the court finds the following:

(i) No limitation exists under section 10 of this act;

(ii) (A) The parties have agreed to such provisions and the agreement was knowingly and voluntarily entered into; or

(B) The parties have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and

(iii) The provisions are in the best interests of the child.

(c) One household shall be designated the child's residence solely for purposes of jurisdiction, venue, and child support.

**NEW SECTION.** Sec. 10. A new section is added to chapter 26.09 RCW to read as follows:

**LIMITATIONS IN ISSUANCE OF TEMPORARY OR PERMANENT PARENTING PLAN PROVISIONS.** (1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Wilful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an act of domestic violence which rises to the level of a felony.

(2) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (a) Wilful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or

emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an act of domestic violence which rises to the level of a felony, unless the court expressly finds that the probability that the conduct will recur is so remote that it would not be in the child's best interests to apply the limitation or unless it is shown not to have had an impact on the child. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in section 3 of this act;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

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

Sec. 11. Section 11, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.110 are each amended to read as follows:

**MINOR OR DEPENDENT CHILD—COURT APPOINTED ATTORNEY TO REPRESENT—PAYMENT OF COSTS, FEES, AND DISBURSEMENTS.** The court may appoint an attorney to represent the interests of a minor or dependent child with respect to ~~((his custody, support, and visitation))~~ provision for the parenting plan in an action for dissolution of marriage, legal separation, or declaration concerning the validity of a marriage. The court shall enter an order for costs, fees, and disbursements in favor of the child's attorney. The order shall be made against either or both parents, except that, if both parties are indigent, the costs, fees, and disbursements shall be borne by the county.

Sec. 12. Section 16, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.160 are each amended to read as follows:

**FAILURE TO COMPLY WITH DECREE OR TEMPORARY INJUNCTION—OBLIGATION TO MAKE SUPPORT OR MAINTENANCE PAYMENTS OR PERMIT CONTACT WITH CHILDREN NOT SUSPENDED—MOTION.** The performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit ((visitation)) contact with children is not suspended((, but he may move the court to grant an appropriate order)). An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another may be deemed to be in bad faith. If the court finds that a parent acted in bad faith in an attempt to condition parental functions, in a refusal to perform the duties provided in the parenting plan, or in the hindrance of performance by the other parent, the court has broad discretion to punish the conduct by a punitive award or other remedies, including civil or criminal contempt, and may consider the conduct in awarding attorneys' fees.

**NEW SECTION.** Sec. 13. A new section is added to chapter 26.09 RCW to read as follows:

**PROPOSED TEMPORARY PARENTING PLAN.** (1) A parent seeking a temporary order relating to parenting shall file and serve a proposed temporary parenting plan by motion. The other parent, if contesting the proposed temporary parenting plan, shall file and serve a responsive proposed parenting plan. Either parent may move to have a proposed temporary parenting plan entered as part of a temporary order. The parents may enter an agreed temporary parenting plan at any time as part of a temporary order. The proposed temporary parenting plan may be supported by relevant evidence and shall be accompanied by an affidavit or declaration which shall state at a minimum the following:

- (a) The name, address, and length of residence with the person or persons with whom the child has lived for the preceding twelve months;
- (b) The performance by each parent during the last twelve months of the parenting functions relating to the daily needs of the child;
- (c) The parents' work and child-care schedules for the preceding twelve months;
- (d) The parents' current work and child-care schedules; and
- (e) Any of the circumstances set forth in section 10 of this act that are likely to pose a serious risk to the child and that warrant limitation on the award to a parent of temporary residence or time with the child pending entry of a permanent parenting plan.

(2) At the hearing, the court shall enter a temporary parenting order incorporating a temporary parenting plan which includes:

- (a) A schedule for the child's time with each parent when appropriate;

(b) Designation of a temporary residence for the child;

(c) Allocation of decision-making authority, if any. Absent allocation of decision-making authority consistent with section 9(2) of this act, neither party shall make any decision for the child other than those relating to day-to-day or emergency care of the child, which shall be made by the party who is present with the child;

(d) Provisions for temporary support for the child; and

(e) Restraining orders, if applicable, under RCW 26.09.060.

(3) A parent may make a motion for an order to show cause and the court may enter a temporary order, including a temporary parenting plan, upon a showing of necessity.

(4) A parent may move for amendment of a temporary parenting plan, and the court may order amendment to the temporary parenting plan, if the amendment conforms to the limitations of section 10 of this act and is in the best interest of the child.

(5) If a proceeding for dissolution of marriage, legal separation, or declaration of invalidity is dismissed, any temporary order or temporary parenting plan is vacated.

**NEW SECTION.** Sec. 14. A new section is added to chapter 26.09 RCW to read as follows:

**ISSUANCE OF TEMPORARY PARENTING PLAN.** After considering the affidavit required by section 13(1) of this act and other relevant evidence presented, the court shall make a temporary parenting plan that is in the best interest of the child. In making this determination, the court shall give particular consideration to:

(1) Which parent has taken greater responsibility during the last twelve months for performing parenting functions relating to the daily needs of the child; and

(2) Which parenting arrangements will cause the least disruption to the child's emotional stability while the action is pending.

The court shall also consider the factors used to determine residential provisions in the permanent parenting plan.

Sec. 15. Section 21, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.210 are each amended to read as follows:

**PARENTING AGREEMENTS—INTERVIEW WITH CHILD BY COURT—ADVICE OF PROFESSIONAL PERSONNEL.** The court may interview the child in chambers to ascertain the child's wishes as to ~~((his custodian and as to visitation privileges))~~ the child's residential schedule in a proceeding for dissolution of marriage, legal separation, or declaration of invalidity. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case.

The court may seek the advice of professional personnel whether or not they are employed on a regular basis by the court. The advice given shall be

in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination any professional personnel consulted by the court.

Sec. 16. Section 22, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.220 are each amended to read as follows:

**PARENTING AGREEMENTS—INVESTIGATION AND REPORT.** (1) In contested custody proceedings, and in other ~~((custody))~~ proceedings if a ~~((parent or the child's custodian))~~ party so requests, the court may order an investigation and report concerning ~~((custodian))~~ parenting arrangements for the child in an action for dissolution of marriage, legal separation, or declaration of invalidity. The investigation and report may be made by the staff of the juvenile court or other professional social service organization experienced in counseling children and families.

(2) In preparing his report concerning a child, the investigator may consult any person who may have information about the child and ~~((his))~~ the potential parenting or custodian arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if he has reached the age of twelve, unless the court finds that ~~((he))~~ the child lacks mental capacity to consent. If the requirements of subsection (3) of this section are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days prior to the hearing unless a shorter time is ordered by the court for good cause shown. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2) of this section, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive ~~((his))~~ the right of cross-examination prior to the hearing.

**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.

Sec. 18. Section 24, chapter 157, Laws of 1973 1st ex. sess. as amended by section 1, chapter 271, Laws of 1977 ex. sess. and RCW 26.09.240 are each amended to read as follows:

**VISITATION RIGHTS—NONPARENTS.** ~~((A parent not granted custody of the child is entitled to reasonable visitation rights unless the~~

~~court finds, after a hearing, that visitation would endanger the child's physical, mental, or emotional health:))~~ The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

Any person may petition the court for visitation rights at any time ~~((including, but not limited to, custody proceedings))~~.

The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child ~~((but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical, mental, or emotional health))~~.

Sec. 19. Section 26, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.260 are each amended to read as follows:

**MODIFICATIONS.** (1) The court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or ~~((his custodian))~~ the parents and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the ~~((custodian))~~ residential schedule established by the ~~((prior))~~ decree or parenting plan unless:

- (a) The ~~((custodian))~~ parents agree~~((s))~~ to the modification;
- (b) The child has been integrated into the family of the petitioner with the consent of the ~~((custodian))~~ other parent in substantial deviation from the parenting plan; or
- (c) The child's present environment is detrimental to ~~((his))~~ the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

(2) If the court finds that a motion to modify a prior ~~((custody order))~~ decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the ~~((custodian))~~ nonmoving parent against the ~~((petitioner))~~ moving party.

Sec. 20. Section 28, chapter 157, Laws of 1973 1st ex. sess. as amended by section 4, chapter 32, Laws of 1975 and RCW 26.09.280 are each amended to read as follows:

**PARENTING PLANS—VENUE.** Hereafter every action or proceeding to change, modify, or enforce any final order, judgment, or decree heretofore or hereafter entered in any dissolution or legal separation or declaration concerning the validity of a marriage, whether under this chapter or prior law, in relation to the ~~((care, custody, control, or support of))~~ parenting plan for the minor children of the marriage may be brought in the county where said minor children are then residing, or in the court in which said final order, judgment, or decree was entered, or in the county where the



parent or other person who has the care, custody, or control of the said children is then residing.

**NEW SECTION.** Sec. 21. A new section is added to chapter 26.09 RCW to read as follows:

**RELATIONSHIP TO OTHER FEDERAL AND STATE STATUTES.** Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, the court shall designate in a parenting plan one parent as the custodian of the child. However, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child resides the majority of the time shall be deemed to be the custodian of the child for the purposes of such federal and state statutes.

Sec. 22. Section 6, chapter 95, Laws of 1984 and RCW 26.09.255 are each amended to read as follows:

**REMEDIES.** A relative, as defined in RCW 9A.40.010, may bring civil action against any other relative (~~who~~) if, with intent to deny access to a child by (~~another~~) that relative of the child who has a right to physical custody of or visitation with the child or a parent with whom the child resides pursuant to a parenting plan order, the relative takes, entices, or conceals the child from that relative. The plaintiff may be awarded, in addition to any damages awarded by the court, the reasonable expenses incurred by the plaintiff in locating the child, including, but not limited to, investigative services and reasonable attorneys' fees.

**NEW SECTION.** Sec. 23. A new section is added to chapter 26.09 RCW to read as follows:

**CONSTRUCTION—PENDING ACTIONS.** Notwithstanding the repeals of prior laws, actions which were properly and validly pending in the superior courts of this state as of the effective date of this act shall be governed and may be pursued to conclusion under the provisions of law applicable thereto at the time of commencement of such action and all decrees and orders heretofore or hereafter in all other respects regularly entered in such proceedings are declared valid.

**NEW SECTION.** Sec. 24. A new section is added to chapter 26.09 RCW to read as follows:

**PRIOR DECREES.** (1) Decrees under this chapter involving child custody, visitation, or child support entered prior to the effective date of this section shall be deemed to be parenting plans for purposes of this chapter.

(2) The enactment of the 1987 revisions to this chapter does not constitute substantially changed circumstances for the purposes of modifying decrees entered under this chapter prior to the effective date of this section involving child custody, visitation, or child support.

(3) Actions brought for clarification or interpretation of decrees entered under this chapter prior to the effective date of this section shall be

determined under the law in effect immediately prior to the effective date of this section.

NEW SECTION. Sec. 25. INTENT. It is the intent of the legislature to reenact and continue the law relating to third-party actions involving custody of minor children in order to distinguish that body of law from the 1987 parenting act amendments to chapter 26.09 RCW, which previously contained these provisions.

NEW SECTION. Sec. 26. CIVIL PRACTICE TO GOVERN—DESIGNATION OF PROCEEDINGS—DECREES. (1) Except as otherwise specifically provided in this chapter, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) In cases where a party other than a parent seeks custody of a minor child, a separate custody proceeding shall be entitled "In re the custody of ....."

(3) The initial pleading in all proceedings under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

NEW SECTION. Sec. 27. CHILD CUSTODY PROCEEDING—COMMENCEMENT—NOTICE—INTERVENTION. (1) Except as authorized for proceedings brought under chapter 26.50 RCW in district or municipal courts, a child custody proceeding is commenced in the superior court by a person other than a parent, by filing a petition seeking custody of the child in the county where the child is permanently resident or where the child is found, but only if the child is not in the physical custody of one of its parents or if the petitioner alleges that neither parent is a suitable custodian.

(2) Notice of a child custody proceeding shall be given to the child's parent, guardian and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

NEW SECTION. Sec. 28. PROVISIONS FOR CHILD SUPPORT, CUSTODY AND VISITATION. In entering an order under this chapter, the court shall consider, approve, or make provision for child custody, visitation, and the support of any child entitled to support.

NEW SECTION. Sec. 29. APPORTIONMENT OF EXPENSE. In a custody proceeding, 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 the child's support.

NEW SECTION. Sec. 30. HEALTH INSURANCE COVERAGE—CONDITIONS. In entering a custody order under this chapter, the court shall require either or both parents to maintain or provide health

insurance coverage for any dependent child if the following conditions are met:

- (1) Health insurance that can be extended to cover the child is available to that parent through an employer or other organization; and
- (2) The employer or other organization offering health insurance will contribute all or a part of the premium for coverage of the child.

A parent who is required to extend insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of medical expenses, medical costs, or insurance premiums which are in addition to and not inconsistent with this section. "Health insurance" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

**NEW SECTION. Sec. 31. MINOR OR DEPENDENT CHILD—COURT APPOINTED ATTORNEY TO REPRESENT—PAYMENT OF COSTS, FEES, AND DISBURSEMENTS.** The court may appoint an attorney to represent the interests of a minor or dependent child with respect to custody, support, and visitation. The court shall enter an order for costs, fees, and disbursements in favor of the child's attorney. The order shall be made against either or both parents, except that, if both parties are indigent, the costs, fees, and disbursements shall be borne by the county.

**\*NEW SECTION. Sec. 32. SUPPORT PAYMENTS—TO WHOM PAID.** (1) *The court may, upon its own motion or upon motion of either party, order support 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.*

(2) *If 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) *The parties affected by the order shall inform the clerk of the court of any change of address or of other conditions that may affect the administration of the order.*

\*Sec. 32 was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 33. SUPPORT PAYMENTS—ORDER TO MAKE ASSIGNMENT OF PERIODIC EARNINGS OR TRUST INCOME—DUTY OF PAYOR TO WITHHOLD AND TRANSMIT.** The court may order the person obligated to pay support to make an assignment of a part of his or her periodic earnings or trust income to the person or

*agency entitled to receive the payments: PROVIDED, That the provisions of RCW 7.33.280 in regard to exemptions in garnishment proceedings shall apply to such assignments. The assignment is binding on the employer, trustee or other payor of the funds two weeks after service upon him or her of notice that it has been made. The payor shall withhold from the earnings or trust income payable to the person obligated to support the amount specified in the assignment and shall transmit the payments to the person specified in the order. The payor may deduct from each payment a sum not exceeding one dollar as reimbursement for costs. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section.*

\*Sec. 33 was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 34. ORDER FOR CHILD SUPPORT—  
CONTENTS—NOTICE OF MANDATORY WAGE ASSIGNMENT. (1)**  
*Every court order 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 parents, 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) The party or parties who 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.*

\*Sec. 34 was vetoed, see message at end of chapter.

**NEW SECTION. Sec. 35. PAYMENT OF COSTS, ATTORNEY'S FEES, ETC.** The court from time to time, after considering the financial resources of all parties, may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this chapter and for reasonable attorney's fees or other professional fees in connection therewith, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or enforcement or modification proceedings after entry of judgment.

Upon any appeal, the appellate court may, in its discretion, order a party to pay for the cost to the other party of maintaining the appeal and attorney's fees in addition to statutory costs.

The court may order that the attorney's fees be paid directly to the attorney who may enforce the order in his or her name.

**NEW SECTION. Sec. 36. FAILURE TO COMPLY WITH DECREE OR TEMPORARY INJUNCTION—OBLIGATION TO MAKE SUPPORT PAYMENTS OR PERMIT VISITATION NOT SUSPENDED—MOTION.** If a party fails to comply with a provision of an order or temporary order of injunction, the obligation of the other party to make payments for support or to permit visitation is not suspended, but the party may move the court to grant an appropriate order.

**\*NEW SECTION. Sec. 37. MODIFICATION OF ORDER FOR SUPPORT—TERMINATION OF SUPPORT—GROUNDS.** *The provisions of any order respecting support may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of a substantial change of circumstances.*

*Unless otherwise agreed in writing or expressly provided in the order, 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.*

\*Sec. 37 was vetoed, see message at end of chapter.

**NEW SECTION. Sec. 38. DETERMINATION OF CUSTODY—CHILD'S BEST INTERESTS.** The court shall determine custody in accordance with the best interests of the child.

**NEW SECTION. Sec. 39. TEMPORARY CUSTODY ORDER—VACATION OF ORDER.** A party to a custody proceeding may move for a temporary custody order. The motion must be supported by an affidavit as provided in section 48 of this act. The court may award temporary custody after a hearing, or, if there is no objection, solely on the basis of the affidavits.

If a custody proceeding commenced under this chapter is dismissed, any temporary order is vacated.

**NEW SECTION. Sec. 40. INTERVIEW WITH CHILD BY COURT—ADVICE OF PROFESSIONAL PERSONNEL.** The court may interview the child in chambers to ascertain the child's wishes as to his or her custodian and as to visitation privileges. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case.

The court may seek the advice of professional personnel whether or not they are employed on a regular basis by the court. The advice given shall be in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination any professional personnel consulted by the court.

**NEW SECTION. Sec. 41. INVESTIGATION AND REPORT. (1)** In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodian arrangements for the child. The investigation and report may be made by the staff of the juvenile court or

other professional social service organization experienced in counseling children and families.

(2) In preparing the report concerning a child, the investigator may consult any person who may have information about the child and potential custodian arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if the child has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent. If the requirements of subsection (3) of this section are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days prior to the hearing unless a shorter time is ordered by the court for good cause shown. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2) of this section, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive the right of cross-examination prior to the hearing.

**NEW SECTION.** Sec. 42. HEARING—RECORD—EXPENSES OF WITNESSES. Custody proceedings shall receive priority in being set for hearing.

A party may petition the court to authorize the payment of necessary travel and other expenses incurred by any witness whose presence at the hearing the court deems necessary to determine the best interests of the child.

The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interests, the court may exclude the public from a custody hearing, but may admit any person who has a direct and legitimate interest in the work of the court.

If the court finds it necessary to protect the child's welfare that the record of any interview, report, investigation, or testimony in a custody proceeding be kept secret, the court may make an appropriate order sealing the record.

**NEW SECTION.** Sec. 43. Each parent shall have full and equal access to the education and medical records of the child absent a court order to the contrary.

**NEW SECTION.** Sec. 44. VISITATION RIGHTS. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical, mental, or emotional health. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings.

The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical, mental, or emotional health.

**NEW SECTION.** Sec. 45. POWERS AND DUTIES OF CUSTODIAN—SUPERVISION BY APPROPRIATE AGENCY WHEN NECESSARY. Except as otherwise agreed by the parties in writing at the time of the custody decree, the custodian may determine the child's upbringing, including education, health care, and religious training, unless the court after hearing, finds, upon motion by the noncustodial parent, that in the absence of a specific limitation of the custodian's authority, the child's physical, mental, or emotional health would be endangered.

If both parents or all contestants agree to the order, or if the court finds that in the absence of the order the child's physical, mental, or emotional health would be endangered, the court may order an appropriate agency which regularly deals with children to exercise continuing supervision over the case to assure that the custodial or visitation terms of the decree are carried out. Such order may be modified by the court at any time upon petition by either party.

**NEW SECTION.** Sec. 46. CHILD CUSTODY ACTION BY RELATIVE. A relative, as defined in RCW 9A.40.010, may bring civil action against any other relative who, with intent to deny access to a child by another relative of the child who has a right to physical custody of the child, takes, entices, or conceals the child from that relative. The plaintiff may be awarded, in addition to any damages awarded by the court, the reasonable expenses incurred by the plaintiff in locating the child, including, but not limited to, investigative services and reasonable attorneys' fees.

**NEW SECTION.** Sec. 47. CHILD CUSTODY ORDER—MODIFICATION. (1) The court shall not modify a prior custody order unless it finds, upon the basis of facts that have arisen since the prior order or that were unknown to the court at the time of the prior order, that a change has occurred in the circumstances of the child or the custodian and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the custodian established by the prior order unless:

- (a) The custodian agrees to the modification;
  - (b) The child has been integrated into the family of the petitioner with the consent of the custodian; or
  - (c) The child's present environment is detrimental to his or her physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.
- (2) If the court finds that a motion to modify a prior custody order has been brought in bad faith, the court shall assess the attorney's fees and court costs of the custodian against the petitioner.

**NEW SECTION. Sec. 48. TEMPORARY CUSTODY ORDER OR MODIFICATION OF CUSTODY DECREE—AFFIDAVITS REQUIRED.** A party seeking a temporary custody order or modification of a custody decree shall submit together with his or her motion, an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of the affidavit, to other parties to the proceedings, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.

**NEW SECTION. Sec. 49. VENUE.** Every action or proceeding to change, modify, or enforce any final order, judgment, or decree heretofore or hereafter entered, whether under this chapter or prior law, in relation to the care, custody, control, or support of the minor children may be brought in the county where the minor children are then residing, or in the court in which the final order, judgment, or decree was entered, or in the county where the parent or other person who has the care, custody, or control of the children is then residing.

**NEW SECTION. Sec. 50. RESTRAINING ORDERS—NOTICE—REFUSAL TO COMPLY—ARREST—PENALTY—DEFENSE—PEACE OFFICERS, IMMUNITY.** (1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision excluding the person from the residence is a misdemeanor.

- (2) A person is deemed to have notice of a restraining order if:
- (a) The person to be restrained or the person's attorney signed the order;
  - (b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;
  - (c) The order was served upon the person to be restrained; or
  - (d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the



original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace 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) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from the residence.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

**NEW SECTION.** Sec. 51. Sections 25 through 50 of this act shall constitute a new chapter in Title 26 RCW.

**\*Sec. 52. Section 1, chapter 95, Laws of 1984 and RCW 9A.40.060 are each amended to read as follows:**

***(1) A relative of a child under the age of eighteen or of an incompetent person is guilty of custodial interference in the first degree if, with the intent to deny access to the child or incompetent person by a parent, guardian, institution, agency, ((or)) other person having a lawful right to physical custody of or visitation with such person, or a parent with whom the child resides pursuant to a parenting plan order, the relative takes, entices, retains, detains, or conceals the child or incompetent person from a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person and:***

***(a) Intends to hold the child or incompetent person permanently or for a protracted period; or***

***(b) Exposes the child or incompetent person to a substantial risk of illness or physical injury; or***

***(c) Causes the child or incompetent person to be removed from the state of usual residence; or***

***(d) Retains, detains, or conceals the child or incompetent person in another state after expiration of any authorized visitation period or residential period authorized in a parenting plan with intent to intimidate or harass a parent, guardian, institution, agency, or other person having lawful right to***

*physical custody or to prevent a parent, guardian, institution, agency, or other person with lawful right to physical custody from regaining custody.*

*(2) A parent or other person acting under the directions of the parent is guilty of custodial interference in the first degree if the parent or other person intentionally takes, entices, retains, or conceals a child, under the age of eighteen years and for whom no lawful custody order or parenting plan order has been entered by a court of competent jurisdiction, from the other parent with intent to deprive the other parent from access to the child permanently or for a protracted period.*

*(3) Custodial interference in the first degree is a class C felony.*

*\*Sec. 52 was vetoed, see message at end of chapter.*

*\*Sec. 53. Section 2, chapter 95, Laws of 1984 and RCW 9A.40.070 are each amended to read as follows:*

*(1) A relative of a person is guilty of custodial interference in the second degree if, with the intent to deny access to such person by a parent, guardian, institution, agency, ~~((or))~~ other person having a lawful right to physical custody of or visitation with such person, or a parent with whom the child resides pursuant to a parenting plan order, the relative takes, entices, retains, detains, or conceals the person from a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person during that same time period.*

*(2) The first conviction of custodial interference in the second degree is a gross misdemeanor. The second or subsequent conviction of custodial interference in the second degree is a class C felony.*

*\*Sec. 53 was vetoed, see message at end of chapter.*

*\*Sec. 54. 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.**

**\*Sec. 54 was vetoed, see message at end of chapter.**

Sec. 55. Section 7, chapter 263, Laws of 1984 as amended by section 5, chapter 303, Laws of 1985 and RCW 26.50.060 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain a party from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling which the parties share or from the residence of the petitioner;

(c) ~~On the same basis as is provided in chapter 26.09 RCW, ((award temporary custody and establish temporary visitation with regard to minor children of the parties, and restrain any party from interfering with the custody of the minor children))~~ the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(d) Order the respondent to participate in treatment or counseling services;

(e) Order other relief as it deems necessary for the protection of a family or household member, including orders or directives to a peace officer, as allowed under this chapter; and

(f) Require the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee. If the petitioner has been granted leave to proceed in forma pauperis, the court may require the respondent to pay the filing fee and costs, including services fees, to the county or municipality incurring the expense.

(2) Any relief granted by the order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year.

(3) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence.

Sec. 56. Section 14, chapter 42, Laws of 1975-'76 2nd ex. sess. as amended by section 8, chapter 41, Laws of 1983 1st ex. sess. and RCW 26.26.130 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just: **PROVIDED HOWEVER**, That the court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant facts, including, but not limited to:

- (a) The needs of the child;
- (b) The standard of living and circumstances of the parents;
- (c) The relative financial means of the parents;
- (d) The earning ability of the parents;
- (e) The need and capacity of the child for education, including higher education;

(f) The age of the child;

(g) The responsibility of the parents for the support of others; and

(h) The value of services contributed by the custodial parent.

~~(6) ((In determining custody, a court, in accordance with the best interests of the child, shall consider all relevant facts including:~~

~~(a) The wishes of the child's parents or parent as to the child's custody and as to visitation;~~

~~(b) The wishes of the child as to the child's custodian and as to visitation privileges;~~

~~(c) The interaction and interrelationship of the child with the child's parent or parents, the child's siblings, and any other person who may significantly affect the child's best interests;~~

~~(d) The child's adjustment to home, school, and community; and~~

~~(e) The mental and physical health of all individuals involved.~~

~~The court shall not consider conduct of a proposed custodian that does not affect the welfare of the child:)) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties.~~

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

NEW SECTION. Sec. 57. SHORT TITLE. This act shall be known as the parenting act of 1987.

NEW SECTION. Sec. 58. SECTION CAPTIONS. Section captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 59. EFFECTIVE DATE. This act shall take effect on January 1, 1988.

NEW SECTION. Sec. 60. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of this act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 61. The following acts or parts of acts are each repealed:

(1) Section 18, chapter 157, Laws of 1973 1st ex. sess., section 27, chapter 263, Laws of 1984 and RCW 26.09.180;

(2) Section 19, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.190;

(3) Section 20, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.200;

(4) Section 23, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.230; and

(5) Section 25, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.250.

Passed the House April 17, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 32, 33, 34, 37, 52, 53 and 54, Substitute House Bill No. 48, entitled:

"AN ACT Relating to parenting."

This legislation is part of a comprehensive approach by the Legislature to respond to pressing children's issues. As a result, several bills overlap each other. Sections 32, 33 and 34 of Substitute House Bill No. 48 affect how child support payments are made. Substitute House Bill No. 420, an act creating the child support

registry, also affects the child support payments process. If both bills were signed into law, there would be conflicting interpretations of the law on support orders, wage assignments, and directions to the court. To eliminate this ambiguity, I believe Substitute House Bill No. 420, which is more thorough, should take precedence. Therefore, I have vetoed sections 32, 33 and 34 of Substitute House Bill No. 48.

Section 37 of Substitute House Bill No. 48 concerns modification of support orders and merely re-codifies RCW 26.09.170. Substitute House Bill No. 413 amends this section of law. The amended language is preferable and a veto of section 37 will eliminate ambiguity.

Sections 52, 53 and 54 amend statutes having to do with custodial interference. These sections are very similar to Substitute Senate Bill No. 5088, which I have vetoed. While I agree that non-custodial parents deserve fair treatment when their visitation rights are abused, I am concerned that involving the police in settling non-violent visitation disputes where harm to the child is not evident is an improper approach.

I have been asked to veto section 3(3)(f) because of concerns that it would give an unfair advantage to those more financially well-off in parenting/custodial decisions. However, as this is only one factor in a non-exclusive list of factors describing parenting functions, I am confident that the courts will not use this to discriminate against less well-off parents, usually women, in custody cases. However, if after experience it appears that discrimination is occurring, I will support a change to the law.

With the exceptions of sections 32, 33, 34, 37, 52, 53 and 54, Substitute House Bill No. 48 is approved."

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## CHAPTER 461

[Substitute House Bill No. 1156]

### COMMUNITY REVITALIZATION PROGRAM—WASHINGTON STATE DEVELOPMENT LOAN FUND COMMITTEE—DISTRESSED AREAS—LOAN ELIGIBILITY—PERFORMANCE STANDARDS

AN ACT Relating to distressed area requirements in the community revitalization team program and the development loan fund program; 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.

Be it enacted by the Legislature of the State of Washington:

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 community which has experienced sudden and severe loss of employment; 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.

(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;
- (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.

Passed the House April 22, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 462

[Substitute House Bill No. 738]

### CORRECTIONS STANDARDS BOARD—TRANSFER OF POWERS, DUTIES, AND FUNCTIONS

AN ACT Relating to the transfer of corrections standards board to other state agencies; amending RCW 13.04.116, 10.98.110, 10.98.130, 10.98.140, 10.98.160, 70.48.020, 70.48.090, 70.48.120, 70.48.160, 70.48.280, 70.48.400, 19.27.060, 70.48A.020, 70.48A.040, and 72.09.180; adding a new section to chapter 72.09 RCW; adding new sections to chapter 70.48 RCW; creating new sections; repealing RCW 72.09.140, 72.09.150, 72.09.160, 72.09.170, 10.98.120, 70.48.035, 70.48.080, 70.48.082, 70.48.250, 70.48.260, 70.48.290, 70.48.300, 70.48.330, 70.48.370, 70.48.010, 70.48.050, 70.48.060, 70.48.070, 70.48.110, and 70.48.200; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 50, Laws of 1985 and RCW 13.04.116 are each amended to read as follows:

(1) A juvenile shall not be confined in a jail or holding facility for adults, except:

(a) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or

(b) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

(2) For purposes of this section a juvenile is an individual under the chronological age of eighteen years who has not been transferred previously to adult courts.

(3) The ~~((corrections standards board, in exercise of the powers of the state jail commission;))~~ department of social and health services shall monitor and enforce compliance with this section.

(4) This section shall not be construed to expand or limit the authority to lawfully detain juveniles.

Sec. 2. Section 11, chapter 17, Laws of 1984 and RCW 10.98.110 are each amended to read as follows:

(1) The department shall maintain records to track felony cases following convictions in Washington state and felony cases under the jurisdiction of Washington state pursuant to interstate compact agreements.

(2) Tracking shall begin at the time the department receives a disposition form from a prosecuting attorney and shall include the collection and updating of felons' criminal records from conviction through completion of sentence.

(3) The department of corrections shall collect information for tracking felons from its offices and from information provided by county clerks, the Washington state patrol identification and criminal history section, the (~~corrections standards board~~) office of financial management, and any other public or private agency that provides services to help individuals complete their felony sentences.

Sec. 3. Section 13, chapter 17, Laws of 1984 and RCW 10.98.130 are each amended to read as follows:

Local jails shall report to the (~~corrections standards board~~) office of financial management and (~~the corrections standards board~~) that office shall transmit to the department the information on all persons convicted of felonies or incarcerated for noncompliance with a felony sentence who are admitted or released from the jails and shall promptly respond to requests of the department for such data. Information transmitted shall include but not be limited to the state identification number, whether the reason for admission to jail was a felony conviction or noncompliance with a felony sentence, and the dates of the admission and release.

Sec. 4. Section 14, chapter 17, Laws of 1984 as amended by section 6, chapter 201, Laws of 1985 and RCW 10.98.140 are each amended to read as follows:

(1) The section, the department, and the (~~corrections standards board~~) office of financial management shall be the primary sources of information for criminal justice forecasting. The information maintained by these agencies shall be complete, accurate, and sufficiently timely to support state criminal justice forecasting.

(2) The office of financial management shall be the official state agency for the sentenced felon jail forecast. This forecast shall provide at least a six-year projection and shall be published by December 1 of every even-numbered year beginning with 1986. The office of financial management shall seek advice regarding the assumptions in the forecast from criminal justice agencies and associations.

(3) The sentencing guidelines commission shall keep records on all sentencings above or below the standard range defined by chapter 9.94A RCW. As a minimum, the records shall include the name of the offender, the crimes for which the offender was sentenced, the name and county of the sentencing judge, and the deviation from the standard range. Such records shall be made available to public officials upon request.

Sec. 5. Section 16, chapter 17, Laws of 1984 and RCW 10.98.160 are each amended to read as follows:

In the development and modification of the procedures, definitions, and reporting capabilities of the section, the department, ~~((and)) the ((corrections standards board))~~ office of financial management, and the responsible agencies and persons shall consider the needs of other criminal justice agencies such as the administrator for the courts, local law enforcement agencies, jailers, the sentencing guidelines commission, the board of prison terms and paroles, the clemency board, prosecuting attorneys, and affected state agencies such as the office of financial management and legislative committees dealing with criminal justice issues. An executive committee appointed by the heads of the department, the Washington state patrol, ~~((the corrections standards board;))~~ and the office of financial management shall review and provide recommendations for development and modification of the section, the department, and the ~~((corrections standards board's))~~ office of financial management's felony criminal information systems.

Sec. 6. Section 2, chapter 316, Laws of 1977 ex. sess. as last amended by section 1, chapter 118, Laws of 1986 and RCW 70.48.020 are each amended to read as follows:

As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Holding facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(2) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(3) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

(4) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(5) "Jail" means any holding, detention, special detention, or correctional facility as defined in this section.

(6) "Health care" means preventive, diagnostic, and rehabilitative services provided by licensed health care professionals and/or facilities; such care to include providing prescription drugs where indicated.

~~(7) ("Board" means the state corrections standards board:~~

~~(8) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards:~~

~~(9)) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.~~

~~((10) "Mandatory custodial care standards" means those minimum standards, rules, or regulations that are adopted pursuant to RCW 70.48.050(1)(a) and 70.48.070(1) for jails to meet federal and state constitutional requirements relating to the health, safety, security, and welfare of inmates:~~

~~(11) "Advisory custodial care standards" means custodial care standards recommended by the board which are not mandatory:~~

~~(12) "Physical plant standards" and "physical plant requirements" mean those minimum standards, rules, or regulations that are prescribed by the board that relate to structural specifications of the physical plant, including but not limited to size of cells and rooms within a jail, design of facilities, and specifications for fixtures and other equipment:~~

~~(13) "Jail inspector" means a person with at least five years in a supervisory position as a law enforcement or custodial corrections officer:~~

~~(14)) (8) "Major urban" means a county or combination of counties which has a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.~~

~~((15)) (9) "Medium urban" means a county or combination of counties which has a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.~~

~~((16)) (10) "Rural" means a county or combination of counties which has a city having a population less than ten thousand based on the 1978 projections of the office of financial management.~~

(11) "Office" means the office of financial management.

Sec. 7. Section 9, chapter 316, Laws of 1977 ex. sess. as last amended by section 6, chapter 118, Laws of 1986 and RCW 70.48.090 are each amended to read as follows:

(1) Contracts for jail services may be made between a county and city located within the boundaries of a county, and among counties. The contracts shall: Be in writing, give one governing unit the responsibility for the operation of the jails, specify the responsibilities of each governing unit involved, and include the applicable charges for custody of the prisoners as well as the basis for adjustments in the charges. The contracts may be terminated only by ninety days written notice to the governing units involved

and to the ((board)) office. The notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

(2) The contract authorized in subsection (1) of this section shall be for a minimum term of ten years when state funds are provided to construct or remodel a jail in one governing unit that will be used to house prisoners of other governing units. The contract may not be terminated prior to the end of the term without the ((board's)) office's approval. If the contract is terminated, or upon the expiration and nonrenewal of the contract, the governing unit whose jail facility was built or remodeled to hold the prisoners of other governing units shall pay to the state treasurer the amount set by the corrections standards board or office when it authorized disbursement of state funds for the remodeling or construction under RCW 70.48.120. This amount shall be deposited in the local jail improvement and construction account and shall fairly represent the construction costs incurred in order to house prisoners from other governing units. The ((board)) office may pay the funds to the governing units which had previously contracted for jail services under rules which the ((board)) office may adopt. The acceptance of state funds for constructing or remodeling consolidated jail facilities constitutes agreement to the proportionate amounts set by the ((board)) office. Notice of the proportionate amounts shall be given to all governing units involved.

(3) A city or county primarily responsible for the operation of a jail or jails may create a department of corrections to be in charge of such jail and of all persons confined therein by law, subject to the authority of the governing unit. If such department is created, it shall have charge of jails and persons confined therein. If no such department of corrections is created, the chief law enforcement officer of the city or county primarily responsible for the operation of said jail shall have charge of the jail and of all persons confined therein. ~~((A department of corrections or the chief law enforcement officer shall operate a jail in conformance with the rules and regulations adopted by the board and any rules, regulations, or ordinances adopted by the governing unit.))~~

Sec. 8. Section 12, chapter 316, Laws of 1977 ex. sess. as last amended by section 8, chapter 118, Laws of 1986 and RCW 70.48.120 are each amended to read as follows:

There is hereby established in the state treasury a fund to be known as the local jail improvement and construction account in which shall be deposited such sums as are appropriated by law for the purpose of providing funds to units of local government for new construction and the substantial remodeling of detention and correctional facilities so as to obtain compliance with the physical plant standards for such facilities. Funds in the local jail improvement and construction account shall be invested in the same manner as other funds in other accounts within the state treasury, and such

earnings shall accrue to the local jail improvement and construction account. Funds shall be remitted to the governing units in a reasonably timely fashion to meet their contractual obligations. Funds in this account shall be disbursed by the state treasurer to units of local government, subject to biennial legislative appropriation, at the direction of the ((board)) office.

Sec. 9. Section 16, chapter 316, Laws of 1977 ex. sess. as last amended by section 10, chapter 118, Laws of 1986 and RCW 70.48.160 are each amended to read as follows:

Having received approval pursuant to RCW 70.48.060, a governing unit shall not be eligible for further funding for physical plant standards for a period of ten years from the date of the completion of the approved project. A jail shall not be closed for noncompliance to physical plant standards within this same ten year period. This section does not apply if:

(1) The ((board or its successor)) state elects to fund phased components of a jail project for which a governing unit has applied. In that instance, initially funded components do not constitute full funding within the meaning of RCW 70.48.060(1) and 70.48.070(2) and the ((board)) state may fund subsequent phases of the jail project;

(2) There is destruction of the facility because of an act of God or the result of a negligent and/or criminal act.

Sec. 10. Section 4, chapter 232, Laws of 1979 ex. sess. as amended by section 13, chapter 118, Laws of 1986 and RCW 70.48.280 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the local jail improvement and construction account of the general fund under the terms of this chapter shall be administered by the ((board)) office subject to legislative appropriation.

Sec. 11. Section 1, chapter 235, Laws of 1984 and RCW 70.48.400 are each amended to read as follows:

Persons sentenced to felony terms or a combination of terms of more than three hundred sixty-five days of incarceration shall be committed to state institutions under the authority of the department of corrections. Persons serving sentences of three hundred sixty-five consecutive days or less may be sentenced to a jail as defined in RCW ((70.48.010)) 70.48.020. All persons convicted of felonies or misdemeanors and sentenced to jail shall be the financial responsibility of the city or county.

Sec. 12. Section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 15, chapter 118, Laws of 1986 and RCW 19.27.060 are each amended to read as follows:

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state



building code. No amendment to a code enumerated in RCW 19.27.031 that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b). Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any governmental subdivision or unit of local government.

(3) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single family or multifamily residential buildings: PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with a B occupancy as defined by the uniform building code, 1982 edition, and with a city fire insurance rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) No provision of the uniform fire code concerning roadways shall be part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code ~~((are))~~ may be preempted by any ~~((physical standards adopted by the corrections standards board under RCW 70.48.050 when))~~ city or county to the extent that the code provisions relating to the installation or use of sprinklers in ~~((the))~~ jail cells conflict with ~~((the standards and))~~ the secure and humane operation of jails.

Sec. 13. Section 2, chapter 131, Laws of 1981 as last amended by section 16, chapter 118, Laws of 1986 and RCW 70.48A.020 are each amended to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of jail buildings and necessary supporting facilities within the state, and the ~~((corrections standards board's))~~ office of financial management's operational costs related to the review of physical plant funding applications, award of grants, and construction monitoring, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred forty-four million three hundred thousand dollars, or so much thereof as may be required, to

finance the improvements defined in RCW 70.48A.010 through 70.48A.080 and all costs incidental thereto, including administration, but not including acquisition or preparation of sites. Appropriations for administration shall be determined by the legislature. No bonds authorized by this section may be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold: PROVIDED, That the reappropriation of previously authorized bond moneys and this new appropriation shall constitute full funding of each approved project within the meaning of RCW 70.48.070 and 70.48.110.

Sec. 14. Section 4, chapter 131, Laws of 1981 as amended by section 17, chapter 118, Laws of 1986 and RCW 70.48A.040 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the local jail improvement and construction account in the general fund under the terms of RCW 70.48A.010 through 70.48A.080 shall be administered by the (~~corrections standards board~~) office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 15. A new section is added to chapter 72.09 RCW to read as follows:

The department of corrections shall, no later than July 1, 1987, adopt standards for the operation of state adult correctional facilities. These standards shall be the minimums necessary to meet federal and state constitutional requirements relating to health, safety, and welfare of inmates and staff, and specific state and federal statutory requirements, and to provide for the public's health, safety, and welfare. The need for each standard shall be documented.

NEW SECTION. Sec. 16. a new section is added to chapter 70.48 RCW to read as follows:

The office of financial management shall complete the jail construction and remodeling funding program previously administered by the corrections standards board. The office shall use and may modify the physical plant standards adopted by the board. This section shall expire on July 1, 1990.

NEW SECTION. Sec. 17. A new section is added to chapter 70.48 RCW to read as follows:

All units of local government that own or operate adult correctional facilities shall, individually or collectively, adopt standards for the operation of those facilities no later than January 1, 1988. 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 guidelines established collectively by the counties of the state. These standards shall be the minimums necessary to meet federal and state constitutional requirements relating to health, safety, and welfare of inmates and staff, and specific state and federal statutory requirements, and

to provide for the public's health, safety, and welfare. Local correctional facilities shall be operated in accordance with these standards.

**NEW SECTION.** Sec. 18. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the corrections standards board pertaining to the juvenile confinement compliance function specified in RCW 13.04.116, shall be delivered to the custody of the department of social and health services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the corrections standards board in carrying out the juvenile confinement compliance function shall be made available to the department of social and health services. All funds, credits, or other assets held in connection with the juvenile confinement compliance function shall be assigned to the department of social and health services.

All reports, documents, surveys, books, records, files, papers, or written material in the possession of the corrections standards board pertaining to the jail construction and remodeling funding program and the jail population data gathering program shall be delivered to the custody of the office of financial management. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the corrections standards board in carrying out these programs shall be made available to the office of financial management. All funds, credits, or other assets held in connection with these programs shall be assigned to the office of financial management.

All other reports, documents, surveys, books, records, files, papers, or written material shall be delivered to the custody of the department of corrections. All other cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the corrections standards board in carrying out its duties shall be made available to the department of corrections. All other funds, credits, or other assets held by the corrections standards board shall be assigned to the department of corrections.

Any appropriations made to the corrections standards board for carrying out the powers, functions, and duties relating to the jail construction and remodeling funding program shall, on the effective date of this section, be transferred and credited to the office of financial management.

Whenever any question arises as to the transfer of any 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. All rules and all pending business before the corrections standards board pertaining to the funding of jail construction and remodeling shall be continued and acted upon by the office of financial management. All existing contracts and obligations pertaining to

the funding of jail construction and remodeling shall remain in full force and shall be performed by the office of financial management.

All rules and all pending business before the corrections standards board pertaining to jail population data gathering shall be continued and acted upon by the office of financial management. All existing contracts and obligations pertaining to jail population data gathering shall remain in full force and shall be performed by the office of financial management.

NEW SECTION. Sec. 20. The transfer of the powers, duties, and functions of the corrections standards board shall not affect the validity of any act performed before the effective date of this section.

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.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

- (1) Section 18, chapter 136, Laws of 1981 and RCW 72.09.140;
- (2) Section 21, chapter 136, Laws of 1981, section 107, chapter 287, Laws of 1984 and RCW 72.09.150;
- (3) Section 19, chapter 136, Laws of 1981 and RCW 72.09.160;
- (4) Section 20, chapter 136, Laws of 1981 and RCW 72.09.170;
- (5) Section 12, chapter 17, Laws of 1984 and RCW 10.98.120;
- (6) Section 24, chapter 136, Laws of 1981 and RCW 70.48.035;
- (7) Section 8, chapter 316, Laws of 1977 ex. sess., section 5, chapter 118, Laws of 1986 and RCW 70.48.080;
- (8) Section 4, chapter 276, Laws of 1981 and RCW 70.48.082;
- (9) Section 1, chapter 232, Laws of 1979 ex. sess. and RCW 70.48-.250;
- (10) Section 2, chapter 232, Laws of 1979 ex. sess., section 1, chapter 143, Laws of 1980, section 12, chapter 118, Laws of 1986 and RCW 70.48.260;
- (11) Section 5, chapter 232, Laws of 1979 ex. sess. and RCW 70.48-.290;
- (12) Section 6, chapter 232, Laws of 1979 ex. sess. and RCW 70.48-.300;
- (13) Section 5, chapter 276, Laws of 1981, section 14, chapter 118, Laws of 1986 and RCW 70.48.330; and
- (14) Section 35, chapter 165, Laws of 1983 and RCW 70.48.370.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 316, Laws of 1977 ex. sess. and RCW 70.48-.010;

(2) Section 5, chapter 316, Laws of 1977 ex. sess., section 13, chapter 232, Laws of 1979 ex. sess., section 1, chapter 276, Laws of 1981, section 4, chapter 12, Laws of 1981 2nd ex. sess., section 2, chapter 118, Laws of 1986 and RCW 70.48.050;

(3) Section 6, chapter 316, Laws of 1977 ex. sess., section 170, chapter 151, Laws of 1979, section 9, chapter 232, Laws of 1979 ex. sess., section 1, chapter 87, Laws of 1982, section 3, chapter 118, Laws of 1986 and RCW 70.48.060;

(4) Section 7, chapter 316, Laws of 1977 ex. sess., section 2, chapter 147, Laws of 1979, section 14, chapter 232, laws of 1979 ex. sess., section 4, chapter 118, Laws of 1986 and RCW 70.48.070;

(5) Section 11, chapter 316, Laws of 1977 ex. sess., section 7, chapter 118, Laws of 1986 and RCW 70.48.110; and

(6) Section 10, chapter 232, Laws of 1979 ex. sess., section 11, chapter 118, Laws of 1986 and RCW 70.48.200.

**NEW SECTION.** Sec. 24. 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. Sections 15 and 21 of this act shall take effect immediately. Sections 1 through 11 and sections 16, 17, 22 and 23 of this act shall take effect January 1, 1988.

Passed the House April 26, 1987.

Passed the Senate April 25, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 463

[Engrossed Substitute House Bill No. 83]

### MOTOR VEHICLE ACCIDENTS—FINANCIAL SECURITY DEPOSITS—REPORTS— DRIVER'S LICENSES OF PERSONS UNDER TWENTY-ONE

AN ACT Relating to motor vehicle accident reports; amending RCW 46.29.060 and 46-.52.030; adding a new section to chapter 46.20 RCW; and repealing RCW 46.20.011, 46.20-.102, and 46.20.104.

Be it enacted by the Legislature of the State of Washington:

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.

NEW SECTION. Sec. 3. 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. 4. 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.

Passed the House April 25, 1987.

Passed the Senate April 25, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 464

[Substitute House Bill No. 982]

### TEACHER PREPARATION PROGRAMS—INCLUSION OF TEACHER'S AIDE CONSTITUENT—PERFORMANCE ASSESSMENT

AN ACT Relating to teacher certification; and reenacting and amending RCW 28A.04.120.

Be it enacted by the Legislature of the State of Washington:

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.

~~((9))~~ (10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

~~((10))~~ (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.

~~((11))~~ (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.

Passed the House April 21, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 465

[Engrossed Senate Bill No. 5110]

### WASHINGTON STATE SCHOLARS PROGRAM—TUITION AND FEE WAIVER REVISED

AN ACT Relating to tuition and fee waivers; amending RCW 28A.58.822; reenacting and amending RCW 28B.15.543; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

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) Provide for the selection of three seniors graduating from high schools 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.

(6) Permit a waiver of tuition and services and activities fees as provided for in RCW 28B.15.543.

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))~~ 3.30. 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 3.30 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 probationary period until such time as the student's grade point average meets required standards.

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.

Passed the Senate February 11, 1987.

Passed the House April 23, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 466

[Engrossed Substitute Senate Bill No. 5439]

### TRUST LAND SALE TO THE PARKS AND RECREATION COMMISSION— PERIODIC JOINT REVIEW OF POTENTIAL PUBLIC RECREATION LANDS— NATURAL RESOURCES DEPARTMENT MAPS AND SURVEY DUTIES ALTERED

AN ACT Relating to the department of natural resources; amending RCW 43.51.270, 58.24.010, 58.24.020, 58.24.030, 58.24.040, 58.24.060, and 58.24.070; reenacting and amending RCW 43.51.280; and adding a new section to chapter 43.51 RCW.

Be it enacted by the Legislature of the State of Washington:

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.

Sec. 4. Section 2, chapter 224, Laws of 1951 as amended by section 1, chapter 165, Laws of 1982 and RCW 58.24.010 are each amended to read as follows:

It is the responsibility of the state to provide a means for the identification and preservation of survey points for the description of common land boundaries in the interest of the people of the state. There is a necessity for the adoption and maintenance of a system of permanent reference as to boundary monuments. (~~The division of engineering services of~~) The department of natural resources shall be the recognized agency for the establishment of this system.

Sec. 5. Section 3, chapter 224, Laws of 1951 as last amended by section 2, chapter 165, Laws of 1982 and RCW 58.24.020 are each amended to read as follows:

(~~The division of engineering services of~~) The department of natural resources is designated as the official agency for surveys and maps. The commissioner of public lands shall appoint an advisory board of five members, the majority of whom shall be registered professional engineers or land surveyors, who shall serve at the pleasure of the commissioner. Members of the board shall serve without salary but are to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended while actively engaged in the discharge of their duties.

Sec. 6. Section 4, chapter 224, Laws of 1951 as amended by section 3, chapter 165, Laws of 1982 and RCW 58.24.030 are each amended to read as follows:

The commissioner of public lands (~~and the division of engineering services~~), the department of natural resources, and the advisory board are authorized to cooperate and advise with various departments and subdivisions of the state, counties, municipalities, and registered engineers or land surveyors of the state for the following purposes:

- (1) The recovery of section corners or other land boundary marks;
- (2) The monumentation of accepted section corners, and other boundary and reference marks; said monumentation shall be adequately connected to adjusted United States coast and geodetic survey triangulation stations and the coordinates of the monuments computed to conform with the Washington coordinate system in accordance with the provisions of chapter 58.20 RCW, as derived from chapter 168, Laws of 1945;



(3) For facilitation and encouragement of the use of the Washington state coordinate system; and

(4) For promotion of the use of the level net as established by the United States coast and geodetic survey.

Sec. 7. Section 6, chapter 224, Laws of 1951 as last amended by section 4, chapter 165, Laws of 1982 and RCW 58.24.040 are each amended to read as follows:

The agency designated by RCW 58.24.020 is further authorized to:

(1) Set up standards of accuracy and methods of procedure;

(2) Compile and publish maps and records from surveys performed under the provisions of this chapter, and to maintain suitable indexes of surveys to prevent duplication of effort and to cooperate with all agencies of local, state, and federal government to this end;

(3) Compile and maintain records of all surveys performed under the provisions of this chapter, and assemble and maintain records of all reliable survey monuments and bench marks within the state;

(4) Collect and preserve information obtained from surveys locating and establishing land monuments and land boundaries;

(5) Supervise the sale and distribution of (~~((maps, map data, photographs, and))~~) cadastral and geodetic survey data, and such related survey maps and publications as may come into the possession of the department of natural resources. Revenue derived from the sale thereof shall be deposited in the surveys and maps account in the general fund;

(6) Supervise the sale and distribution of maps, map data, photographs, and such publications as may come into the possession of the department of natural resources.

(7) Submit, as part of the biennial report of the commissioner of public lands, a report of the accomplishments of the agency;

~~((7))~~ (8) Permit the temporary removal or destruction of any section corner or any other land boundary mark or monument by any person, corporation, association, department, or subdivision of the state, county, or municipality as may be necessary or desirable to accommodate construction, mining, and other development of any land: PROVIDED, That such section corner or other land boundary mark or monument shall be referenced to the Washington Coordinate System by a registered professional engineer or land surveyor prior to such removal or destruction, and shall be replaced or a suitable reference monument established by a registered professional engineer or land surveyor within a reasonable time after completion of such construction, mining, or other development: AND PROVIDED FURTHER, That the department of natural resources shall adopt and promulgate reasonable rules and regulations under which the agency shall authorize such temporary removal or destruction and require the replacement of such section corner or other land boundary marks or monuments.

Sec. 8. Section 6, chapter 165, Laws of 1982 as last amended by section 65, chapter 57, Laws of 1985 and RCW 58.24.060 are each amended to read as follows:

There is created in the state treasury the surveys and maps account which shall be a separate account consisting of funds received or collected under chapters 58.22 and 58.24 RCW, moneys appropriated to it by law(~~and moneys deposited in the account from the sale of surveys, maps, map data, publications, and photographs~~). This account shall be used exclusively by the department of natural resources for carrying out the purposes and provisions of chapters 58.22 and 58.24 RCW. Appropriations from the account shall be expended for no other purposes. All earnings of investments of balances in the surveys and maps account shall be credited to the general fund.

Sec. 9. Section 7, chapter 165, Laws of 1982 as amended by section 2, chapter 272, Laws of 1983 and RCW 58.24.070 are each amended to read as follows:

A fee (~~of fifteen dollars~~) set by the board of natural resources shall be charged by each county auditor, in addition to any other fees required by law, as a condition precedent to the filing and recording of any surveys, subdivision plats, short plats, and condominium surveys, plats, or maps. (~~Ten percent of the fees imposed under this section shall be credited to the county current expense fund and ninety percent~~) Such funds shall be forwarded monthly to the state treasurer to be deposited in the surveys and maps account in the general fund. The fees shall be verified in the same manner as other fees collected by the county auditor. Fees collected under this section shall be expended by the department only for the (~~maintenance, sale, and distribution of survey records information~~) activities prescribed in this chapter.

Passed the Senate April 26, 1987.

Passed the House April 26, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 467

[Substitute Senate Bill No. 5163]  
MIDWIFERY—LICENSURE—SCOPE

AN ACT Relating to midwifery; 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.

Be it enacted by the Legislature of the State of Washington:

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, 1988.

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.

(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.

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 midwives, as licensed in chapter 18.50 RCW 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.

Passed the Senate April 26, 1987.

Passed the House April 26, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 468

[House Bill No. 1087]

## PROPERTY TAX EXEMPTION FOR THE PRODUCTION OR PERFORMANCE OF MUSICAL, DANCE, ARTISTIC, DRAMATIC, OR LITERARY WORKS

AN ACT Relating to property tax exemptions for the production or performance of musical, dance, artistic, dramatic, and literary works; amending RCW 84.36.805 and 84.36.810; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. 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, unless otherwise provided, 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) 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))~~ property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption pursuant to RCW 84.36.040 or those qualified for exemption as an association engaged in the production or performance of musical, dance, artistic, dramatic, or literary works pursuant to RCW 84.36.060, but only if under the terms of the lease or rental

agreement the nonprofit organization, association, or corporation receives the benefit of the exemption;

(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. 2. Section 8, chapter 40, Laws of 1973 2nd ex. sess. as last amended by 8, chapter 220, Laws of 1984 and RCW 84.36.810 are each amended to read as follows:

(1) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.040, 84.36.050, 84.36.060, and 84.36.037, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes: PROVIDED, That where the property has been granted an exemption for more than ten years, taxes and interest shall not be assessed under this section.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when fifty-one percent or more of the area of the property has lost its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;



(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on property that had been exempt under RCW 84.36.040 or 84.36.060.

NEW SECTION. Sec. 3. This act shall be effective for taxes levied for collection in 1988 and thereafter.

Passed the House March 19, 1987.

Passed the Senate April 17, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

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## CHAPTER 469

[Substitute Senate Bill No. 5123]

### HIGHWAY ADVERTISING CONTROL

AN ACT Relating to highway advertising control; amending RCW 47.42.020, 47.42.046, and 47.42.047; and adding a new section to chapter 47.36 RCW.

Be it enacted by the Legislature of the State of Washington:

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.

Sec. 2. Section 2, chapter 96, Laws of 1961 as last amended by section 2, chapter 376, Laws of 1985 and RCW 47.42.020 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Department" means the Washington state department of transportation.

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code.

(4) "Maintain" means to allow to exist.

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code.

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025.

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

- (b) Transient or temporary activities;
  - (c) Railroad tracks and minor sidings;
  - (d) Signs;
  - (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;
  - (f) Activities conducted in a building principally used as a residence.
- If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.

(10) "Specific information panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of:

(a) The words "GAS," "FOOD," or "LODGING" and directional information; and

(b) One or more individual business signs mounted on the panel.

(11) "Business sign" means a separately attached sign mounted on the specific information panel or roadside area information panel to show the brand or trademark and name, or both, of the motorist service available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants, and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors and general shape consistent with customary use. Any messages, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal, or device are prohibited.

(12) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(13) "Tourist-oriented directional sign" means a sign on a specific information panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

(14) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(15) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products (~~(harvested or produced)~~) on the property where the sale is taking place.

Sec. 3. 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.

*\*Sec. 4. Section 4, chapter 80, Laws of 1974 ex. sess. as last amended by section 2, chapter 114, Laws of 1986 and RCW 47.42.047 are each amended to read as follows:*

*The department is authorized to erect and maintain specific information panels within the right of way of both the primary system and the scenic system to give the traveling public specific information as to gas, food, recreation, or lodging available off the primary or scenic highway accessible by way of highways intersecting the primary or scenic highway. Such specific information panels and tourist-oriented directional signs shall be permitted only at locations within the corporate limits of cities and towns and areas zoned for commercial or industrial uses where there is adequate distance between interchanges to ensure compliance with the provisions of Title 23 C.F.R. secs. 655.308(a) and 655.309(a). Specific information panels shall include the words "GAS," "FOOD," "RECREATION," or "LODGING" and directional information and may contain one or more individual business*

***signs maintained on the panel. The erection and maintenance of specific information panels along primary or scenic highways 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 including the manual on uniform traffic control devices for streets and highways. 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 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 primary system and scenic system.***

***The department shall adopt rules for the erection and maintenance of tourist-oriented directional signs with the following restrictions:***

***(1) Where installed, they shall be placed in advance of the "GAS," "FOOD," "RECREATION," or "LODGING" specific information panels previously described in this section;***

***(2) Signs shall not be placed to direct a motorist to an activity visible from the main traveled roadway;***

***(3) Premises on which the qualified tourist-oriented business is located must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway.***

***The department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance.***

\*Sec. 4 was vetoed, see message at end of chapter.

Passed the Senate April 18, 1987.

Passed the House April 9, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

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## CHAPTER 470

[House Bill No. 462]

### WORKERS' COMPENSATION—PAYMENT OF INPATIENT HOSPITAL SERVICES—CRIMINAL SANCTIONS FOR FALSE CLAIM STATEMENTS DO NOT EXTEND TO INJURED WORKER OR BENEFICIARY

AN ACT Relating to industrial insurance payments and penalties; amending RCW 51.36.080, 51.48.270, and 51.12.045; prescribing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 55, chapter 289, Laws of 1971 ex. sess. as last amended by section 2, chapter 368, Laws of 1985 and RCW 51.36.080 are each amended to read as follows:

(1) All fees and medical charges under this title shall conform to regulations promulgated by the director and shall be paid within sixty days of receipt by the department of a proper billing in the form prescribed by department rule or sixty days after the claim is allowed by final order or judgment, if an otherwise proper billing is received by the department prior to final adjudication of claim allowance. The department shall pay interest at the rate of one percent per month, but at least one dollar per month, whenever the payment period exceeds the applicable sixty-day period on all proper fees and medical charges.

Beginning in fiscal year 1987, interest payments under this subsection may be paid only from funds appropriated to the department for administrative purposes. A record ~~((or {off}))~~ of payments made under this subsection shall be submitted twice yearly to the commerce and labor committees of the senate and the house of representatives and to the ways and means committees of the senate and the house of representatives.

Nothing in this section may be construed to require the payment of interest on any billing, fee, or charge if the industrial insurance claim on

which the billing, fee, or charge is predicated is ultimately rejected or the billing, fee, or charge is otherwise not allowable.

In establishing fees for medical and other health care services, the director shall consider the director's duty to purchase health care in a prudent, cost-effective manner without unduly restricting access to necessary care by persons entitled to the care. With respect to workers admitted as hospital inpatients on or after July 1, 1987, the director shall pay for inpatient hospital services on the basis of diagnosis-related groups, contracting for services, or other prudent, cost-effective payment method, which the director shall establish by rules adopted in accordance with chapter 34.04 RCW.

(2) The director may establish procedures for selectively or randomly auditing the accuracy of fees and medical billings submitted to the department under this title.

Sec. 2. Section 5, chapter 200, Laws of 1986 and RCW 51.48.270 are each amended to read as follows:

Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, but not including an injured worker or beneficiary, that:

(1) Knowingly makes or causes to be made any false statement or representation of a material fact in any application for any payment under this title; or

(2) At any time knowingly makes or causes to be made any false statement or representation of a material fact for use in determining rights to such payment, or knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact in connection with such application or payment; or

(3) Having knowledge of the occurrence of any event affecting (a) the initial or continued right to any payment, or (b) the initial or continued right to any such payment of any other individual in whose behalf he or she has applied for or is receiving such payment, conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount or quantity than is due or when no such payment is authorized;

shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

*\*Sec. 3. Section 1, chapter 266, Laws of 1981 as last amended by section 1, chapter 193, Laws of 1986 and RCW 51.12.045 are each amended to read as follows:*

*Offenders performing community services pursuant to court order or under RCW 13.40.080 may be deemed employees and/or workers under this title for purposes relating only to medical aid benefits under chapter 51.36 RCW, at the option of the state, county, city, town, or nonprofit organization*

*under whose authorization the services are performed. Any premiums or assessments due under this title for community services work shall be the obligation of and be paid for by the state agency, county, city, town, or nonprofit organization for which the offender performed the community services. Coverage commences when a state agency, county, city, town, or nonprofit organization has given notice to the director that it wishes to cover offenders performing community services before the occurrence of an injury or contraction of an occupational disease.*

\*Sec. 3 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. 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.

Passed the House April 23, 1987.

Passed the Senate April 13, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 3, House Bill No. 462, entitled:

"AN ACT Relating to industrial insurance payments and penalties."

Section 3 of this bill would limit the workers' compensation benefits that can be paid to offenders injured or killed while performing community service. Those who are performing court-ordered community service would be able to receive medical treatment for their injuries, but would be excluded from receiving compensation for lost wages.

This provision is reasonable if applied to those who are incarcerated or who have no actual loss of wages because they are not employed, but it would also affect some who have regular employment. This section would prevent those who suffer an economic loss because of an accident while performing community service from collecting compensatory benefits under industrial insurance. Further, it may open the state to liability for time loss resulting from such an accident.

Coverage of community service workers under the industrial insurance system is at the option of the government or non-profit agency for which the service is performed. Those agencies that would like to provide for the possible needs of these workers and at the same time protect themselves from unknown financial liability should have this opportunity.

In order to address the question of payment of time loss benefits to those who have no regular income, I am asking the Department of Labor and Industries to work with the proponents of this proposal to develop a solution that will be equitable to all concerned.

With the exception of section 3, House Bill No. 462 is approved."



## CHAPTER 471

[Senate Bill No. 5739]

## ESCROW AGENTS—ERRORS AND OMISSIONS POLICY REQUIREMENTS

AN ACT Relating to escrow; 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.

Be it enacted by the Legislature of the State of Washington:

**\*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 5 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<sup>1</sup>))~~ 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. 1 was vetoed, see message at end of chapter.

\*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. 2 was vetoed, see message at end of chapter.

\*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. 3 was vetoed, see message at end of chapter.

\*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:))~~

\*Sec. 4 was partially vetoed, see message at end of chapter.

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.

(Seal or stamp) Dated .....
Signature of .....
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.**

Sec. 12 was vetoed, see message at end of chapter.

**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.

Passed the Senate April 18, 1987.

Passed the House April 9, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

## CHAPTER 472

[Substitute Senate Bill No. 5911]

NATURAL RESOURCES CONSERVATION AREAS—REAL ESTATE EXCISE  
TAX—REPEAL OF CONVEYANCE TAX

AN ACT Relating to state government; amending RCW 79.68.070, 43.30.300, 82.45.060, 82.02.030, and 43.06.400; adding a new chapter to Title 79 RCW; creating a new section; repealing RCW 82.20.005, 82.20.010, 82.20.020, 82.20.030, 82.20.040, 82.20.050, 82.20.060, and 82.20.070; making appropriations; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature finds: (1) That there is an increasing and continuing need by the people of Washington for certain areas of the state to be conserved, in rural as well as urban settings, for the benefit of present and future generations; (2) that such areas are worthy of conservation for their outstanding scenic and ecological values and provide opportunities for dispersed low impact public recreation; (3) that in certain cases acquisition of property or rights in property is necessary to protect these areas for public purposes; and (4) that there is a need for an agency to act in an effective and timely manner to acquire interests in such areas and to develop appropriate management strategies for conservation purposes.

**NEW SECTION.** Sec. 2. Lands possessing the following characteristics are considered by the legislature to be worthy of consideration for conservation purposes:

- (1) Lands identified as having high priority for conservation, natural systems, wildlife, and dispersed recreational values;
- (2) Prime natural features of the Washington landscape or portions thereof, inland or coastal wetlands, significant littoral, estuarine, or aquatic sites, or important geological features;
- (3) Examples of native ecological communities; and
- (4) Environmentally significant sites threatened with conversion to incompatible or ecologically irreversible uses.

**NEW SECTION.** Sec. 3. As used in this chapter:

"Department" means the department of natural resources.

"Conservation purposes" include but are not limited to: (1) Maintaining, enhancing, or restoring ecological systems, including but not limited to aquatic, coastal, riparian, montane, and geological systems, whether such systems be unique or typical to the state of Washington; (2) maintaining exceptional scenic landscapes; (3) maintaining habitat for threatened, endangered, and sensitive species; (4) enhancing sites for primitive recreational purposes; and (5) outdoor environmental education.

"Management for conservation purposes" may include limited production of income from forestry, agriculture, or other resource management

activities, if such actions are consistent with the other purposes and requirements of this chapter.

"Washington natural resources conservation area" is an area of land and/or water which retains to some degree or has reestablished its natural character, although it need not be completely undisturbed, or has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington.

NEW SECTION. Sec. 4. The department is authorized to acquire property or less than fee interests in property, as defined by RCW 64.04-.130, by all means, except eminent domain, for creating natural resources conservation areas, where acquisition is the best way to achieve the purposes of this chapter. Areas acquired or assembled by the department for conservation purposes will be designated as "Washington natural resources conservation areas."

NEW SECTION. Sec. 5. The department is authorized to transfer fee simple interest or less than fee interests in trust land, as defined by Article XVI of the Washington Constitution, for the creation of conservation management areas, providing there is full fair market value compensation for all rights transferred. The proceeds from such transfers shall be used for the exclusive purpose of acquiring real property to replace those interests utilized for the conservation area in order to meet the department's fiduciary obligations and to maintain the productive land base of the various trusts.

NEW SECTION. Sec. 6. The department shall hold a public hearing in the county where the majority of the land in the proposed conservation area is located. An area proposed for designation must contain resources consistent with the purposes of this chapter.

NEW SECTION. Sec. 7. The department shall develop a management plan for each designated area. The plan shall identify the significant resources to be conserved consistent with the purposes of this chapter and identify the areas with potential for primitive recreation and educational uses. The plan shall specify what types of management activities will be permitted, consistent with the conservation purposes of this chapter. The department shall make such plans available for review and comment by the public and other state, tribal, and local agencies.

NEW SECTION. Sec. 8. The department is authorized to administer natural resource conservation areas and may enter into management agreements for these areas with other state agencies, local governments, and private nonprofit conservancy corporations, as defined in RCW 64.04.130, when such agreements are consistent with the purposes of acquisition as defined in the adopted site management plan. All management activities within a Washington natural resources conservation area will conform with the



plan. Any moneys derived from the management of these areas in conformance with the adopted plan shall be deposited in the stewardship account established in section 9 of this act.

**NEW SECTION.** Sec. 9. There is hereby created the natural resources conservation areas stewardship account in the state treasury to ensure proper and continuing management of land acquired or designated pursuant to this chapter. Funds for the stewardship account shall be derived from appropriations of state general funds, federal funds, donations, gifts, bond issue receipts, securities, and other monetary instruments of value. Income derived from the management of conservation areas shall also be deposited in this stewardship account.

Appropriations from this account to the department shall be expended for no other purpose than to manage the areas approved by the legislature in fulfilling the purposes of this chapter.

**NEW SECTION.** Sec. 10. The legislature hereby designates certain areas as natural resources conservation areas:

(1) The Mt. Si conservation area (King County), RCW 43.51.940, is hereby designated the Mt. Si natural resources conservation area. The department is directed to continue its management of this area and to develop a plan for its continued conservation and use by the public. In accordance with Article XVI of the Washington state Constitution, any available private lands and trust lands located within the designated boundaries of the Mt. Si conservation area shall be leased or acquired in fee from the appropriate trust at fair market value using funds appropriated for that purpose.

(2) Trust lands and state-owned land on Cypress Island (Skagit County) are hereby designated as the Cypress Island natural resources conservation area. Any available private lands necessary to achieve the purposes of this section shall be acquired by the department of natural resources using funds appropriated for that purpose. Trust lands located within the designated boundaries of the Cypress Island natural resources conservation area shall be leased or acquired in fee from the appropriate trust at fair market value.

(3) Woodard Bay (Thurston County) is hereby designated the Woodard Bay natural resources conservation area. The department is directed to acquire property available in Sec. 18, T.19N, R1W using funds appropriated for that purpose.

(4) The area adjacent to the Dishman Hills natural area (Spokane County) is hereby designated the Dishman Hills natural resources conservation area. The department is directed to acquire property available in Sec. 19, 29 and 30, T.25N, R44E, using funds appropriated for that purpose.

**NEW SECTION.** Sec. 11. The conservation area account is hereby established in the state treasury. The conservation area account shall consist of all moneys deposited under RCW 82.45.060(2) and any moneys which

may be appropriated to it by law. Moneys in the account shall only be used for the acquisition of property or less than fee interest in property for the purposes of this chapter and chapter 79.70 RCW.

Sec. 12. Section 7, chapter 234, Laws of 1971 ex. sess. and RCW 79-.68.070 are each amended to read as follows:

The department of natural resources is hereby authorized to carry out all activities necessary to achieve the purposes of RCW 79.01.128, 79.44-.003 and this chapter, including, but not limited to:

(1) Planning, construction and operation of conservation, recreational sites, areas, roads and trails, by itself or in conjunction with any public agency;

(2) Planning, construction and operation of special facilities for educational, scientific, conservation, or experimental purposes by itself or in conjunction with any other public or private agency;

(3) Improvement of any lands to achieve the purposes of RCW 79.01-.128, 79.44.003 and this chapter;

(4) Cooperation with public and private agencies in the utilization of such lands for watershed purposes;

(5) The authority to make such leases, contracts, agreements or other arrangements as are necessary to accomplish the purposes of RCW 79.01-.128, 79.44.003 and this chapter: PROVIDED, That nothing herein shall affect any existing requirements for public bidding or auction with private agencies or parties, except that agreements or other arrangements may be made with public schools, colleges, universities, governmental agencies, and nonprofit scientific and educational associations.

Sec. 13. Section 1, chapter 64, Laws of 1967 ex. sess. as amended by section 51, chapter 100, Laws of 1986 and RCW 43.30.300 are each amended to read as follows:

The department of natural resources is authorized:

(1) To construct, operate, and maintain primitive outdoor recreation and conservation facilities on lands under its jurisdiction which are of primitive character when deemed necessary by the department to achieve maximum effective development of such lands and resources consistent with the purposes for which the lands are held. This authority shall be exercised only after review by the interagency committee for outdoor recreation and determination by the committee that the department is the most appropriate agency to undertake such construction, operation and maintenance. Such review is not required for campgrounds designated and prepared or approved by the department.

(2) To acquire right of way and develop public access to lands under the jurisdiction of the department of natural resources and suitable for public outdoor recreation and conservation purposes.

(3) To receive and expend funds from federal and state outdoor recreation funding measures for the purposes of RCW 43.30.300 and 79.08.109.

Sec. 14. Section 28A.45.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 20, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.45.060 are each amended to read as follows:

(1) There is imposed an excise tax upon each sale of real property at the rate of one and twenty-eight one-hundredths percent of the selling price. An amount equal to seven and seven-tenths percent of the proceeds of this tax to the state treasurer shall be deposited in the public works assistance account created in RCW 43.155.050.

(2) ~~((An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section))~~ There is imposed an additional excise tax through June 30, 1989, upon each sale of real property at the rate of six one-hundredths of one percent of the selling price. The tax imposed under this subsection shall be deposited in the conservation area account under section 11 of this 1987 act.

Sec. 15. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 5, chapter 296, Laws of 1986 and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), and 82.44.020(5)~~(, and 82.45.060(2))~~ shall be seven percent;

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent; and

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent.

Sec. 16. Section 60, chapter 3, Laws of 1983 2nd ex. sess. and RCW 43.06.400 are each amended to read as follows:

Beginning in January, 1984, and in January of every even-numbered year thereafter, the department of revenue shall submit to the legislature prior to the regular session a listing of the amount of reduction for the current and next biennium in the revenues of the state or the revenues of local government collected by the state as a result of tax exemptions. The listing shall include an estimate of the revenue lost from the tax exemption, the purpose of the tax exemption, the persons, organizations, or parts of the population which benefit from the tax exemption, and whether or not the tax exemption conflicts with another state program. The listing shall include but not be limited to the following revenue sources:

(1) Real and personal property tax exemptions under Title 84 RCW;

(2) Business and occupation tax exemptions, deductions, and credits under chapter 82.04 RCW;

(3) Retail sales and use tax exemptions under chapters 82.08, 82.12, and 82.14 RCW;

(4) Public utility tax exemptions and deductions under chapter 82.16 RCW;

- (5) ~~((Conveyance tax exemptions under chapter 82.20 RCW;~~  
~~(6)))~~ Food fish and shellfish tax exemptions under chapter 82.27 RCW;  
~~((7)))~~ (6) Leasehold excise tax exemptions under chapter 82.29A RCW;  
~~((8)))~~ (7) Motor vehicle and special fuel tax exemptions and refunds under chapters 82.36 and 82.38 RCW;  
~~((9)))~~ (8) Aircraft fuel tax exemptions under chapter 82.42 RCW;  
~~((10)))~~ (9) Motor vehicle excise tax exclusions under chapter 82.44 RCW; and  
~~((11)))~~ (10) Insurance premiums tax exemptions under chapter 48.14 RCW.

The department of revenue shall prepare the listing required by this section with the assistance of any other agencies or departments as may be required.

The department of revenue shall present the listing to the ways and means committees of each house in public hearings.

Beginning in January, 1984, and every four years thereafter the governor is requested to review the report from the department of revenue and may submit recommendations to the legislature with respect to the repeal or modification of any tax exemption. The ways and means committees of each house and the appropriate standing committee of each house shall hold public hearings and take appropriate action on the recommendations submitted by the governor.

As used in this section, "tax exemption" means an exemption, exclusion, or deduction from the base of a tax; a credit against a tax; a deferral of a tax; or a preferential tax rate.

**NEW SECTION.** Sec. 17. The following acts or parts of acts are each repealed:

- (1) Section 82.20.005, chapter 15, Laws of 1961 and RCW 82.20.005;
- (2) Section 82.20.010, chapter 15, Laws of 1961, section 7, chapter 35, Laws of 1982 1st ex. sess., section 14, chapter 3, Laws of 1983 2nd ex. sess., section 11, chapter 471, Laws of 1985 and RCW 82.20.010;
- (3) Section 82.20.020, chapter 15, Laws of 1961, section 57, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.20.020;
- (4) Section 82.20.030, chapter 15, Laws of 1961, section 58, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.20.030;
- (5) Section 82.20.040, chapter 15, Laws of 1961, section 59, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.20.040;
- (6) Section 82.20.050, chapter 15, Laws of 1961 and RCW 82.20.050;
- (7) Section 82.20.060, chapter 15, Laws of 1961, section 60, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.20.060; and
- (8) Section 82.20.070, chapter 15, Laws of 1961 and RCW 82.20.070.

**\*NEW SECTION. Sec. 18.** *Sections 14 through 17 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.*

Sec. 18 was vetoed, see message at end of chapter.

**NEW SECTION. Sec. 19.** (1) The sum of seven million nine hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the conservation area account to the department of natural resources for the biennium ending June 30, 1989, to carry out the purposes of section 10 of this act.

(2) The sum of four million dollars, or so much thereof as may be necessary, is appropriated from the conservation area account to the department of natural resources for the biennium ending June 30, 1989, for the purposes of purchasing property or less than fee interest in property under chapter 79.70 RCW except that this appropriation shall be matched on a basis of at least twenty-five percent from privately raised funds, contributions of real property or interest in real property, or services necessary to achieve the purposes of this subsection.

**NEW SECTION. Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 21.** Sections 1 through 11 of this act shall constitute a new chapter in Title 79 RCW.

**NEW SECTION. Sec. 22.** 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.

Passed the Senate March 18, 1987.

Passed the House April 14, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

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## CHAPTER 473

[Second Substitute House Bill No. 813]

### GOVERNOR'S COMMISSION ON CHILDREN

AN ACT Relating to a governor's commission on children; adding a new chapter to Title 43 RCW; providing an expiration date; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**\*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.

**\*Sec. 1 was partially vetoed, see message at end of chapter.**

**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.

Passed the House April 23, 1987.

Passed the Senate April 17, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to a portion of section 1(1), Second Substitute House Bill No. 813, entitled:

"AN ACT Relating to the governor's commission on children;"

I heartily support the establishment of a Governor's Commission on Children to develop a long-term strategy for an effective, comprehensive children's services delivery system. The bill, however, requires the commission to be composed of more legislators than citizens and requires that a legislator serve as chair of the commission. When commissions are established in the Office of the Governor, their composition is made up predominantly of citizens because the executive office should reflect the views of the public.

Therefore, it is my intention to appoint a commission whose composition is similar to what was outlined in the original version of House Bill 813. For this reason, I have vetoed the portion of section 1(1) that describes the commission's membership.

With the exception of a portion of section 1(1), Second Substitute House Bill No. 813 is approved."

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## CHAPTER 474

[Substitute Senate Bill No. 6061]

### COMMUNITY DOCKS—SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT EXEMPTION

AN ACT Relating to exempting certain community docks from the substantial development requirements of the shoreline management act; and amending RCW 90.58.030.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 292, Laws of 1986 and RCW 90.58.030 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;



(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology: PROVIDED, That any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals,

and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee,

or contract purchaser of ((~~α~~)) single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge.

Passed the Senate March 18, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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## CHAPTER 475

[Engrossed Substitute House Bill No. 844]

### DEPENDENT CARE PROGRAM—STATE EMPLOYEES' SALARY REDUCTION PLAN

AN ACT Relating to dependent care; amending RCW 41.04.260; and adding new sections to chapter 41.04 RCW.

Be it enacted by the Legislature of the State of Washington:

**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 nontaxable 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.

~~((5))~~ (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.

~~((6))~~ (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.

Passed the House April 22, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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## CHAPTER 476

[Engrossed Second Substitute House Bill No. 1006]

### NURSING HOMES—QUALITY OF CARE

AN ACT Relating to quality of care in nursing homes; amending RCW 74.46.180, 74.46.430, 74.46.460, 74.46.470, 74.46.481, 74.46.020, 18.52A.030, 18.51.060, 18.51.091, 18.51.220, 18.51.260, 74.42.580, 74.42.600, 70.38.115, and 74.42.055; adding new sections to chapter 18.51 RCW; adding a new section to chapter 74.46 RCW; creating new sections; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 18, chapter 177, Laws of 1980 as last amended by section 1, chapter 361, Laws of 1985 and RCW 74.46.180 are each amended to read as follows:

(1) The state shall make payment of any underpayments within thirty days after the date the preliminary or final settlement report is submitted to the contractor.

(2) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date the preliminary or final settlement report is submitted to the contractor, subject to the provisions of subsections (3), (4), and (7) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded. In computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings: **PROVIDED**, That not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center: **PROVIDED FURTHER**, That there shall be no shifting out of nursing services, and savings in food shall be shifted only to cover deficits in the nursing services cost center.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective audited allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect, except that no savings may be retained if reported costs in the property cost center and the administration and operations cost center exceed audited allowable costs by ten cents or more per patient day. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All allowances provided by RCW 74.46.530 shall be retained by the contractor. Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by the contractor to the extent that such dividend or premium discount is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due plus assessment of interest, as determined by the secretary, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due plus an assessment of interest, determined by the secretary, from any payments due; or (ii) assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing timely-filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

Sec. 2. Section 43, chapter 177, Laws of 1980 as amended by section 19, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.430 are each amended to read as follows:

(1) The department, as provided by this chapter, will determine prospective cost-related reimbursement rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center for each patient day for such medical care recipient.

(2) As required, the department may modify such maximum per patient day rates pursuant to the administrative review provisions of RCW 74.46.780.

(3) Until the effective date of RCW 74.46.510 and 74.46.530, the maximum prospective reimbursement rates for the administration and operations and the property cost centers shall be established based upon a minimum facility occupancy level of eighty-five percent.

(4) On and after the effective date of RCW 74.46.510 and 74.46.530, the maximum prospective reimbursement rates for the administration and operations and the property cost centers and the return on investment allowance shall be established based upon a minimum facility occupancy level of eighty-five percent.

(5) All contractors shall be required to adjust and maintain wages for all employees to a minimum hourly wage established by the legislature in the biennial appropriations act, if the legislature appropriates moneys to fund prospectively the portion of the minimum wage attributable to services to medicaid patients. Prospective rate revisions to fund any minimum wage increases shall be made only on the dates authorized in the appropriation act. A portion of this legislative appropriation shall be used to enhance nonadministrative wages and benefits above the moneys necessary to fund the minimum wage specified in this section. The department in considering reimbursement for legislatively authorized wage enhancements will take into consideration facility wage history over the past three cost report periods.

Sec. 3. Section 46, chapter 177, Laws of 1980 as last amended by section 15, chapter 361, Laws of 1985 and RCW 74.46.460 are each amended to read as follows:

(1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations (~~(of more than ten percent)~~) in the distribution of patient classifications or changes in patient characteristics from the prior reporting year, program changes required by the department, or changes in staffing levels at a facility required by the department. Rates shall be adjusted by the amount of legislatively authorized enhancements in accordance with RCW 74.46.430(5) and 74.46.470(2). Rates may also be adjusted to cover costs associated with placing a nursing home in receivership which costs are not covered by the rate of the former contractor, including: Compensation of the receiver, reasonable expenses of receivership and transition of control, and costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found. Rates shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification. Rates shall be adjusted for capitalized improvements done under section 8 of this 1987 act.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to July 1, 1983, such contractor's prospective rate effective July 1, 1983, will be determined utilizing the contractor's desk-reviewed allowable costs for calendar year 1982.

(4) All prospective reimbursement rates for 1984 and thereafter shall be determined utilizing the prior year's desk-reviewed cost reports.

Sec. 4. Section 47, chapter 177, Laws of 1980 as amended by section 22, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.470 are each amended to read as follows:

(1) A contractor's reimbursement rates for medical care recipients will be determined utilizing desk-reviewed cost report data within the following cost centers:

- ~~((1))~~ (a) Nursing services;
- ~~((2))~~ (b) Food;
- ~~((3))~~ (c) Administration and operations; and
- ~~((4))~~ (d) Property.

(2) There shall be an enhancement cost center established to reimburse contractors for specific legislatively authorized enhancements for nonadministrative wages and benefits to ensure that such enhancements are used exclusively for the legislatively authorized purposes. For purposes of settlement, funds appropriated to this cost center shall only be used for expenditures for which the legislative authorization is granted. Such funds may be used only in the following circumstances:

(a) The contractor has increased expenditures for which legislative authorization is granted to at least the highest level paid in any of the last three cost years, plus, beginning July 1, 1987, any percentage inflation adjustment granted each year under RCW 74.46.495; and

(b) All funds shifted from the enhancement cost center are shown to have been expended for legislatively authorized enhancements.

(3) If the contractor does not spend the amount appropriated to this cost center in the legislatively authorized manner, then the amounts not appropriately spent shall be recouped at preliminary or final settlement pursuant to RCW 74.46.160.

(4) For purposes of this section, "nonadministrative wages and benefits" means wages and payroll taxes paid with respect to, and the employer share of the cost of benefits provided to, employees in job classes specified in an appropriation, which may not include administrators, assistant administrators, or administrators in training.

(5) Amounts expended in the enhancement cost center in excess of the minimum wage established under RCW 74.46.430 are subject to all provisions contained in this chapter.

Sec. 5. Section 24, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.481 are each amended to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants and the supervision of that training for nursing assistants shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and

(b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may chose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

(6) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

(9) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

(10) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

- (a) Increases in acuity levels of contractors' residents;
- (b) Staffing patterns for similar facilities;
- (c) Physical plant of contractor; and
- (d) Survey, inspection of care, and department consultation results.

Sec. 6. Section 2, chapter 177, Laws of 1980 as last amended by section 16, chapter 361, Laws of 1985 and RCW 74.46.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the



beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(26) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(27) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(28) "Net book value" means the historical cost of an asset less accumulated depreciation.

(29) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care

program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

(30) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(31) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(32) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(33) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

(34) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

(35) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

(36) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

(37) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

(38) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

(39) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

(40) "Secretary" means the secretary of the department of social and health services.

(41) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

(42) "Physical plant capital improvement" means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

Sec. 7. Section 3, chapter 114, Laws of 1979 as amended by section 6, chapter 284, Laws of 1985 and RCW 18.52A.030 are each amended to read as follows:

(1) Any nursing assistant employed by a nursing home, who has satisfactorily completed a nursing assistant training program under this chapter, shall, upon application, be issued a certificate of completion.

(2) All nursing assistants employed by a nursing home shall be required to show evidence of satisfactory completion of a nursing assistant training program, or that they are enrolled in and are progressing satisfactorily towards completion of a training program under standards promulgated by the board, which program must be completed within six months of employment. A nursing home may employ a person not currently enrolled if the employer within twenty days enrolls the person in an approved training program: PROVIDED, That a nursing home shall not assign an assistant to provide resident care until the assistant has demonstrated skills necessary to

perform assigned duties and responsibilities competently. All persons enrolled in a training program must satisfactorily complete the program within six months from the date of initial employment.

(3) All nursing assistants who, on June 7, 1979, are employed in nursing homes shall be given the opportunity to obtain a certificate of completion by passing a written and/or practical examination developed by the board and conducted by a school or nursing home, or by providing evidence of sufficient practical experience. The board shall adopt rules specifying the amount of practical experience to be required for the issuance of a certificate under this section.

(4) Compliance with this section shall be a condition of licensure of nursing homes under chapter 18.51 RCW. Beginning January 1, 1986, compliance with this section shall be a condition of licensure of hospitals licensed under chapter 70.41 RCW with a wing certified to provide nursing home care under Title XVIII or Title XIX of the social security act. Any health provider of skilled nursing facility care or intermediate care facility care shall meet the requirements of this section.

NEW SECTION. Sec. 8. A new section is added to chapter 74.46 RCW to read as follows:

(1) The department, in consultation with interested parties, shall adopt rules to establish criteria the department will use in reviewing any request by a contractor for a prospective rate adjustment for a physical plant capital improvement. The rules shall also specify the time periods for submission and review of proposed physical plant capital improvements. In establishing the criteria, the department may consider, but is not limited to, the following:

(a) The remaining functional life of the facility and the length of time since the facility's last significant improvement;

(b) The amount and scope of renovation or remodel to the facility and whether the facility will be able to serve better the needs of its residents;

(c) Whether the proposed improvement improves the quality of the living conditions of the residents;

(d) Whether the proposed improvement might eliminate life safety, building code, or construction standard waivers;

(e) The percentage of public-pay residents in the facility.

(2) Rate adjustments under this section may be provided only if funds are appropriated for this purpose.

NEW SECTION. Sec. 9. The legislature finds that the closure of a nursing home can have devastating effects on residents and, under certain circumstances, courts should consider placing nursing homes in receivership. As receivership has long existed as a remedy to preserve assets subject to

litigation and to reorganize troubled affairs, the legislature finds that receivership is to be used to correct problems associated with either the disregard of residents' health, safety, or welfare or with the possible closure of the nursing home for any reason.

**NEW SECTION.** Sec. 10. A petition to establish a receivership shall allege that one or more of the following conditions exist and that the current operator has demonstrated an inability or unwillingness to take actions necessary to correct the conditions alleged:

(1) The facility is operating without a license;

(2) The facility has not given the department prior written notice of its intent to close and has not made arrangements within thirty days before closure for the orderly transfer of its residents: **PROVIDED**, That if the facility has given the department prior written notice but the department has not acted with all deliberate speed to transfer the facility's residents, this shall bar the filing of a petition under this section;

(3) An emergency exists that specifically demonstrates an immediate and serious threat of harm to the health, security, or welfare of the facility's residents, including, but not limited to, abandonment of the facility by the owner;

(4) A condition exists in the facility in violation of a licensing statute or regulation that specifically demonstrates an immediate and serious threat of harm to the health, safety, or welfare of the residents of the facility;

(5) The facility demonstrates a pattern and practice of violating chapter 18.51 or 74.42 RCW, or other statutes or regulations adopted by the department designed to safeguard the health, security, or welfare of residents such that the facility has demonstrated a repeated inability to maintain minimum patient care standards; or

(6) The facility demonstrates a pattern or practice of violating a condition level as defined by the federal government under the authority of Title XIX of the social security act.

The department may file a petition in the superior court in the county in which the nursing home is located or in the superior court of Thurston county. The current or former operator or licensee and the owner of the nursing home, if different than the operator or licensee, shall be made a party to the action. The court shall grant the petition if it finds, by a preponderance of the evidence, that one or more of the conditions listed in subsections (1) through (6) of this section exists and, subject to section 11 of this act, that the current operator is unable or unwilling to take actions necessary to correct the conditions.

**NEW SECTION.** Sec. 11. It shall be a defense to the petition to establish a receivership that the conditions alleged do not in fact exist. It shall not be a defense to the petition to allege that the respondent did not possess knowledge of the alleged condition or could not have been reasonably expected to know about the alleged condition. In a petition that alleges that

the health, safety, or welfare of the residents of the facility is at issue, it shall not be a defense to the petition that the respondent had not been afforded a reasonable opportunity to correct the alleged condition.

**NEW SECTION.** Sec. 12. A petition for receivership shall include the name of the candidate for receiver. The department shall maintain a list of qualified persons to act as receivers, however, no person may be considered to be qualified to be a receiver who:

- (1) Is the owner, licensee, or administrator of the facility;
- (2) Is affiliated with the facility;
- (3) Has a financial interest in the facility; or
- (4) Has owned or operated a nursing home that has been ordered into receivership.

If a receiver is appointed, he or she may be drawn from the list but need not be, but an appointee shall have experience in providing long-term health care and a history of satisfactory operation of a nursing home. Preference may be granted to persons expressing an interest in permanent operation of the facility.

**NEW SECTION.** Sec. 13. Upon receipt of a petition for receivership, the court shall hear the matter within fourteen days. Temporary relief may be obtained under chapter 7.40 RCW and other applicable laws. In all actions arising under sections 10 through 22 of this act, the posting of a certified copy of the summons and petition in a conspicuous place in the nursing home shall constitute service of those documents upon the respondent.

In considering the petition, the court shall consider the following factors, among others:

- (1) The history of the provider, including any prior history of deficiencies and corrective action taken; and
- (2) Whether the circumstances alleged in the petition occurred for reasons that were beyond the control of the facility's current or former operator, licensee, or owner.

**NEW SECTION.** Sec. 14. Upon agreement of the candidate for receiver to the terms of the receivership and any special instructions of the court, the court may appoint that person as receiver of the nursing home if the court determines it is likely that a permanent operator will be found or conditions will be corrected without undue risk of harm to the patients. Appointment of a receiver may be in lieu of or in addition to temporary removal of some or all of the patients in the interests of their health, security, or welfare. A receiver shall be appointed for a term not to exceed six months, but a term may be extended for good cause shown.

**NEW SECTION.** Sec. 15. The receivership shall terminate:

- (1) At the end of the appointed term;
- (2) When all residents have been transferred and the facility closed;

(3) When all deficiencies have been eliminated and the facility has been sold or returned to its former owner: PROVIDED, That when a rehabilitated facility is returned to its former owner, the court may impose conditions to assure the continued compliance with chapters 18.51 and 74.42 RCW, and other applicable laws and regulations; or

(4) Upon possession and control of the nursing home by a licensed replacement operator.

**NEW SECTION.** Sec. 16. The receiver shall render to the court an accounting of acts performed and expenditures made during the receivership. Nothing in this section relieves a court-appointed receiver from the responsibility of making all reports and certifications to the department required by law and regulation relating to the receiver's operation of the nursing home, the care of its residents, and participation in the medicaid program, if any.

**NEW SECTION.** Sec. 17. If a receiver is appointed, the court shall set reasonable compensation for the receiver to be paid from operating revenues of the nursing home. The receiver shall be liable in his or her personal capacity only for negligent acts, intentional acts, or a breach of a fiduciary duty to either the residents of the facility or the current or former licensee or owner of the facility.

The department may revise the nursing home's medicaid reimbursement rate, consistent with reimbursement principles in chapter 74.46 RCW and rules adopted under that chapter, if revision is necessary to cover the receiver's compensation and other reasonable costs associated with the receivership and transition of control. Rate revision may also be granted if necessary to cover start-up costs and costs of repairs, replacements, and additional staff needed for patient health, security, or welfare. The property return on investment components of the medicaid rate shall be established for the receiver consistent with reimbursement principles in chapter 74.46 RCW. The department may also expedite the issuance of necessary licenses, contracts, and certifications, temporary or otherwise, necessary to carry out the purposes of receivership.

**NEW SECTION.** Sec. 18. Upon appointment of a receiver, the current or former licensee or operator and managing agent, if any, shall be divested of possession and control of the nursing home in favor of the receiver who shall have full responsibility and authority to continue operation of the home and the care of the residents. The receiver may perform all acts reasonably necessary to carry out the purposes of receivership, including, but not limited to:

- (1) Protecting the health, security, and welfare of the residents;
- (2) Remedying violations of state and federal law and regulations governing the operation of the home;



(3) Hiring, directing, managing, and discharging all consultants and employees for just cause; discharging the administrator of the nursing home; recognizing collective bargaining agreements; and settling labor disputes;

(4) Receiving and expending in a prudent manner all revenues and financial resources of the home; and

(5) Making all repairs and replacements needed for patient health, security, and welfare: PROVIDED, That expenditures for repairs or replacements in excess of five thousand dollars shall require approval of the court which shall expedite approval or disapproval for such expenditure.

Upon order of the court, a receiver may not be required to honor leases, mortgages, secured transactions, or contracts if the rent, price, or rate of interest was not a reasonable rent, price, or rate of interest at the time the contract was entered into or if a material provision of the contract is unreasonable.

NEW SECTION. Sec. 19. Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars. The receiver shall file with the court an accounting for any money expended. Any emergency or transitional expenditure shall be recovered from revenue generated by the facility which revenue is not obligated to the operation of the facility. If such funds are not fully recovered at the termination of the receivership, an action to recover such sums may be filed by the department against the former licensee or owner. In lieu of filing an action, the department may file a lien on the facility or on the proceeds of the sale of the facility. Such a lien shall take priority over all other liens except for liens for wages to employees. The owner of the facility shall be entitled to the proceeds of the facility or the sale of the facility to the extent that these exceed the liabilities of the facility, including liabilities to the state, receiver, employees, and contractors, at the termination of the receivership.

Revenues relating to services provided by the current or former licensee, operator, or owner and available operating funds belonging to such licensee, operator, or owner shall be under the control of the receiver. The receiver shall consult the court in cases of extraordinary or questionable debts incurred prior to his or her appointment and shall not have the power to close the home or sell any assets of the home without prior court approval.

Priority shall be given to debts and expenditures directly related to providing care and meeting the needs of patients. Any payment made to the receiver shall discharge the obligation of the payor to the owner of the facility.

NEW SECTION. Sec. 20. If the nursing home is providing care to recipients of state medical assistance, the receiver shall become the medic-aid contractor for the duration of the receivership period and shall assume

all reporting and other responsibilities required by applicable laws and regulations. The receiver shall be responsible for the refund of medicaid rate payments in excess of costs during the period of the receivership.

NEW SECTION. Sec. 21. No seizure, foreclosure, or interference with nursing home revenues, supplies, real property, improvements, or equipment may be allowed for the duration of the receivership without prior court approval.

NEW SECTION. Sec. 22. At least sixty days before the effective date of any change of ownership, change of operating entity, or change of management of a nursing home, the current operating entity shall notify separately and in writing, each resident of the home or the resident's guardian of the proposed change. The notice shall include the identity of the proposed new owner, operating entity, or managing entity and the names, addresses, and telephone numbers of departmental personnel to whom comments regarding the change may be directed. If the proposed new owner, operating entity, or managing entity is a corporation, the notice shall include the names of all officers and the registered agent in the state of Washington. If the proposed new owner, operating entity, or managing entity is a partnership, the notice shall include the names of all general partners. This section shall apply regardless of whether the current operating entity holds a medicaid provider contract with the department and whether the operating entity intends to enter such a contract.

Sec. 23. Section 7, chapter 117, Laws of 1951 as last amended by section 18, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.060 are each amended to read as follows:

(1) The department is authorized to deny, suspend, or revoke a license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed ~~((one))~~ three thousand dollars per violation in any case in which it finds that the applicant, or licensee, or any partner, officer, director, owner of five percent or more of the assets of the nursing home, or managing employee:

~~((1))~~ (a) Failed or refused to comply with the requirements of this chapter or of chapter 74.42 RCW, or the standards, rules and regulations established ~~((hereunder))~~ under them; or

~~((2))~~ ~~Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled)~~ (b) Operated a nursing home without a license or under a revoked or suspended license; or

~~((3))~~ (c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department; or

~~((4))~~ (d) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the nursing home; or

~~((5))~~ (e) Wilfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter or of chapter 74.42 RCW; or

~~((6))~~ (f) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of chapter 74.42 RCW or the standards, rules, and regulations ~~((promulgated hereunder))~~ adopted under them; or

~~((7))~~ (g) Failed to report patient abuse or neglect in violation of chapter 70.124 RCW; or

~~((8))~~ (h) Fails to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after such assessment becomes final: PROVIDED, That in no event shall the department assess a civil monetary penalty authorized pursuant to this section or post the said premises as provided in RCW 18.51.260 or include in the report required pursuant to RCW 18.51.270 during any period in which it has not reasonably implemented and funded its cost-related reimbursement system for public patients.

(2) A contractor subject to civil penalty under subsection (1)(a) of this section shall have a reasonable opportunity, not to exceed sixty days from notification of the violation, to correct the violation before being assessed a civil monetary penalty under this section. However, if the department determines that the violation resulted in serious harm to or death of a patient, constitutes a serious threat to patient life, health, or safety, or substantially limits the nursing home's capacity to render adequate care, the violator shall be so notified and a penalty may be assessed without prior opportunity to correct. Each day the violation continues may constitute a separate violation subject to assessment of a separate penalty.

The correction of a standard or condition level deficiency, as defined by the authority of Title XVIII of the social security act and 42 C.F.R. 405-110 subpart K, shall be maintained for a period of at least one year. Failure to maintain such correction shall constitute a separate violation for each day the deficiency is not corrected and may be subject to the assessment of a separate penalty not to exceed three thousand dollars without a prior opportunity to correct the violation.

(3) A person subject to civil penalty under subsection (1)(b) through (h) of this section shall not have a prior opportunity to correct the violation before being assessed a civil monetary penalty under this section.

Following the notification of a violation of subsection (1)(b) through (h) of this section, each day upon which the same or a substantially similar

action occurs shall constitute a separate violation subject to the assessment of a separate penalty.

(4) Any civil penalty assessed under this section or chapter 74.46 RCW shall bear a reasonable rate of interest from the date of notification of the violation. The department may administer civil fines under this section or chapter 74.46 RCW by:

(a) Requiring payment in full; or

(b) Permitting installment payments; or

(c) Requiring that the full amount or a portion of the assessed civil penalty be expended to ameliorate the violation or to improve nonadministrative services within the facility; or

(d) Defer the penalty or a portion thereof until one year after corrective action has been completed to assure maintenance of such action: PROVIDED, That the penalty may be reduced all or in part at the end of such year: PROVIDED FURTHER, That the penalty may be trebled if such corrective action is not maintained for one year.

(5) Any civil penalty assessed under this section or chapter 74.46 RCW shall be a nonreimbursable item under chapter 74.46 RCW.

Sec. 24. Section 63, chapter 211, Laws of 1979 ex. sess. as last amended by section 2, chapter 236, Laws of 1983 and RCW 18.51.091 are each amended to read as follows:

The department shall make or cause to be made at least one inspection of each nursing home prior to license renewal and shall inspect community-based services as part of the licensing renewal survey. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. ~~((The notice shall inform the facility that it must comply with a plan of correction within a specified time, not to exceed sixty days from the date the plan of correction is approved by the department. The penalties in RCW 18.51.060 may be imposed if, after the specified period, the department determines that the facility has not complied. In life-threatening situations or situations which substantially limit the provider's capacity to render adequate care, the department may require immediate correction or proceed immediately under RCW 18.51.060:))~~ The department may prescribe by regulations that any licensee or

applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Sec. 25. Section 7, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.220 are each amended to read as follows:

(1) No licensee shall discriminate or retaliate in any manner against a patient or employee in its nursing home on the basis or for the reason that such patient or employee or any other person has initiated or participated in any proceeding specified in this chapter. A licensee who violates this section is subject to a civil penalty of not more than ~~((five hundred))~~ three thousand dollars.

(2) Any attempt to expel a patient from a nursing home, or any type of discriminatory treatment of a patient by whom, or upon whose behalf, a complaint has been submitted to the department or any proceeding instituted under or related to this chapter within one year of the filing of the complaint or the institution of such action, shall raise a rebuttable presumption that such action was taken by the licensee in retaliation for the filing of the complaint.

Sec. 26. Section 13, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.260 are each amended to read as follows:

Each citation for a violation specified in ~~((subsections (1) through (7) of))~~ RCW 18.51.060 which is issued pursuant to this section and which has become final, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the director, until the violation is corrected to the satisfaction of the department up to a maximum of one hundred twenty days. The citation or copy shall be posted in a place or places in plain view of the patients in the nursing home, persons visiting those patients, and persons who inquire about placement in the facility.

Sec. 27. Section 58, chapter 211, Laws of 1979 ex. sess. as amended by section 15, chapter 184, Laws of 1980 and RCW 74.42.580 are each amended to read as follows:

The department may deny, suspend, or revoke a license or provisional license or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature ~~((pursuant to the provisions of chapter 34.04 RCW not to exceed one thousand dollars for such violations when the department finds that the licensee, or any partner, officer, director, owner of five percent or more of the assets of the facility, or managing employee:~~

~~(1) Failed or refused to comply with the requirements of RCW 74.42.010 through 74.42.570 or the standards and rules established by the department under RCW 74.42.010 through 74.42.570;~~

~~(2) Was the holder of a license issued under chapter 18.51 RCW, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;~~

~~(3) Has knowingly or with reason to know made a false statement of a material fact in any records required under RCW 74.42.010 through 74.42.570;~~

~~(4) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained under RCW 74.42.010 through 74.42.570 or any portion of the premises of the facility;~~

~~(5) Wilfully prevented, interfered with, or attempted to impede in any way the work of any authorized representative of the department and the lawful enforcement of any provision of RCW 74.42.010 through 74.42.570; or~~

~~(6) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of RCW 74.42.010 through 74.42.570 or the standards and rules adopted pursuant to RCW 74.42.010 through 74.42.570.~~

~~The department shall adopt rules to implement and administer this section not later than January 15, 1981)) as provided in RCW 18.51.060 for violations of requirements of this chapter. Chapter 34.04 RCW shall apply to any such actions.~~

Sec. 28. Section 60, chapter 211, Laws of 1979 ex. sess. as last amended by section 3, chapter 120, Laws of 1982 and RCW 74.42.600 are each amended to read as follows:

(1) In addition to the inspection required by chapter 18.51 RCW, the department shall inspect the facility for compliance with resident rights and direct care standards of this chapter. The department may inspect any and all other provisions randomly, by exception profiles, or during complaint investigations.

(2) If the facility has not complied with ~~((any of the standards in RCW 74.42.010 through 74.42.570))~~ all the requirements of this chapter, the department shall notify the facility in writing that the facility is in non-compliance and describe the reasons for the facility's noncompliance and the department may impose penalties in accordance with RCW 18.51.060. ~~((The notice shall inform the facility that, except for life-threatening situations or situations which substantially limit the provider's capacity to render adequate care which may be for a shorter period of time, the facility shall comply within a specified time, not to exceed sixty days from the date the plan of correction is approved by the department. The penalties in RCW 74.42.580 may be imposed if, upon inspection after the specified period, the department determines that the facility has not complied:))~~

**\*Sec. 29. Section 11, chapter 161, Laws of 1979 ex. sess. as last amended by section 22, chapter 288, Laws of 1984 and RCW 70.38.115 are each amended to read as follows:**

**(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary of the department in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.**

**(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:**

**(a) The relationship of the health services being reviewed to the applicable health plans;**

**(b) The need that the population served or to be served by such services has for such services;**

**(c) The availability of less costly or more effective alternative methods of providing such services;**

**(d) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served, including findings and recommendations of the Washington state hospital commission in the case of applications submitted by hospitals. An application by a hospital shall be denied if the state hospital commission does not recommend approval, unless the secretary provides the commission with a written statement setting forth the reason or reasons, and citing the applicable subsection or subsections of this section, for approving an application that the commission has determined to be not feasible;**

**(e) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;**

**(f) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;**

**(g) The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;**

*(h) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;*

*(i) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;*

*(j) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past; and*

*(k) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the hospital commission.*

*(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:*

*(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and*

*(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.*

*A health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.*

*(4) The decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.*

*(5) The decisions of the department on nursing home certificate of need applications, including applications for use of space within hospitals and other health care facilities as nursing homes, shall be consistent with state-wide and area need for nursing home beds, to be determined biennially by the legislature and the department in the following manner:*



(a) By September 30 of each even-numbered year, the state health coordinating council shall report to the legislature on the total need for nursing home beds in the state as of December 30 of the third year following;

(b) After considering the recommendation of the state health coordinating council pursuant to (a) of this subsection, the legislature shall, during its session in each odd-numbered year, in the state operating and appropriations act, determine the total need for nursing home beds in the state as of December 30 of the second year following: PROVIDED, That if the legislature does not make the determination the recommendation of the state health coordinating council shall have the same effect as a legislative determination;

(c) By no later than December 30 of each odd-numbered year, the department shall allocate the total need for nursing home beds, as determined under (b) of this subsection, among planning areas, to be specified in the state health plan, in keeping with a nursing home bed allocation method to be specified in the state health plan;

(d) Decisions of the department on nursing home certificate of need applications including applications for use of space within hospitals and other health care facilities as nursing homes, shall be consistent with the area bed allocations developed by the department pursuant to (c) and (e) of this subsection;

(e) The department may at any time reallocate beds among planning areas, in keeping with the bed allocation method to be specified in the state health plan, provided that such reallocations do not have the effect of permitting approval of nursing care bed certificate of need applications in excess of the state-wide need for nursing care beds as last determined under (b) of this subsection.

(6) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

~~((6))~~ (7) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

~~((7))~~ (8) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject

*to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.*

~~((8))~~ (9) *Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.*

~~((9))~~ (10) *The department or a designated regional health council shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.*

~~((10))~~ (11) *Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for administrative review in accordance with chapter 34.04 RCW and a hearing shall be held within one hundred twenty days of a request therefor. An administrative law judge shall review the decision of the secretary's designee and render a proposed decision for consideration by the secretary in accordance with chapter 34.12 RCW or remand the matter to the secretary's designee for further consideration. The secretary's final decision is subject to review by the superior court as provided in chapter 34.04 RCW.*

~~((11))~~ (12) *The department may establish procedures and criteria for reconsideration of decisions.*

~~((12))~~ (13) *An amended certificate of need shall be required for the following modifications of an approved project:*

- (a) A new service;*
- (b) An expansion of a service beyond that originally approved;*
- (c) An increase in bed capacity;*
- (d) A significant reduction in the scope of a project without a commensurate reduction in the cost of the project, or a cost increase (as represented in bids on a construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the project with the review criteria pertaining to financial feasibility and cost containment.*

~~((13))~~ **(14)** *An application for a certificate of need for a capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.*

Sec. 29 was vetoed, see message at end of chapter.

Sec. 30. Section 3, chapter 284, Laws of 1985 and RCW 74.42.055 are each amended to read as follows:

(1) The purpose of this section is to prohibit discrimination against medicaid recipients by nursing homes which have contracted with the department to provide skilled or intermediate nursing care services to medicaid recipients.

(2) It shall be unlawful for any nursing home which has a medicaid contract with the department:

(a) To require, as a condition of admission, assurance from the patient or any other person that the patient is not eligible for or will not apply for medicaid;

(b) To deny or delay admission or readmission of a person to a nursing home because of his or her status as a medicaid recipient;

(c) To transfer a patient, except from a private room to another room within the nursing home, because of his or her status as a medicaid recipient;

(d) To transfer a patient to another nursing home because of his or her status as a medicaid recipient;

(e) To discharge a patient from a nursing home because of his or her status as a medicaid recipient; or

(f) To charge any amounts in excess of the medicaid rate from the date of eligibility, except for any supplementation permitted by the department pursuant to RCW 18.51.070.

(3) Any nursing home which has a medicaid contract with the department shall maintain one list of names of persons seeking admission to the facility, which is ordered by the date of request for admission. This information shall be retained for one year from the month admission was requested.

(4) The department may assess monetary penalties of a civil nature, not to exceed ~~((one))~~ three thousand dollars for each violation of this section.

(5) Because it is a matter of great public importance to protect senior citizens who need medicaid services from discriminatory treatment in obtaining long-term health care, any violation of this section shall be construed for purposes of the application of the consumer protection act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce.

(6) It is not an act of discrimination under this chapter to refuse to admit a patient if admitting that patient would prevent the needs of the other patients residing in that facility from being met at that facility.

NEW SECTION. Sec. 31. The department shall report by December 31, 1987, to the appropriate standing committee of the legislature and the nursing home advisory council on the circumstances and amount of fines imposed under the authority granted in chapter 18.51 RCW.

NEW SECTION. Sec. 32. (1) The house committee on health care, with input from affected groups, shall collect and analyze information regarding levels of staffing for licensed and unlicensed personnel on a per shift basis and levels of staff as related to levels of acuity in nursing homes in Washington and compare their findings to staffing levels and ratios as existing and as required in other states. The committee shall review the existing requirements for education and training of nursing assistants in light of severe problems in recruitment. The committee recommendations shall be made to the legislature prior to the 1988 legislative session.

(2) This section shall expire January 1, 1989.

NEW SECTION. Sec. 33. Sections 10 through 22 of this act are each added to chapter 18.51 RCW.

Passed the House April 23, 1987.

Passed the Senate April 10, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 29, Engrossed Second Substitute House Bill No. 1006, entitled:

"AN ACT Relating to quality of care in nursing homes."

Section 29 of this bill would require additional legislative review of determinations of need for nursing home beds. This determination is already a long and complex process that involves participants from a variety of organizations, including the Legislature, with support and technical expertise provided by the State Health Coordinating Council.

This interim, the executive branch will be looking at a number of issues in the area of long-term care, including factors related to growth in the nursing home budget. The process of determining need for nursing home beds is an integral aspect of the nursing home budget, as well as the state's overall long-term care policy. It should be considered in the context of this broader review.

In the meantime, the Legislature is represented on the State Health Coordinating Council, which provides an opportunity for input and review.

With the exception of section 29, Engrossed Second Substitute House Bill No. 1006 is approved."

## CHAPTER 477

[Senate Bill No. 5335]

BOUNDARY REVIEW BOARDS—OPEN PUBLIC MEETINGS—NOTICE—  
JURISDICTION—REVIEW—FEES

AN ACT Relating to boundary review boards; and amending RCW 36.93.070, 36.93.090, 36.93.100, 36.93.110, 36.93.120, 36.93.130, 36.93.150, and 36.93.160.

Be it enacted by the Legislature of the State of Washington:

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.

Passed the Senate April 18, 1987.

Passed the House April 8, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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## CHAPTER 478

[Substitute Senate Bill No. 5632]

### LEARNING ASSISTANCE PROGRAM

AN ACT Relating to the learning assistance program; adding new sections to Title 28A RCW; and repealing RCW 28A.41.400, 28A.41.402, 28A.41.404, 28A.41.406, 28A.41.408, 28A.41.410, and 28A.41.414.

Be it enacted by the Legislature of the State of Washington:

**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.

Passed the Senate April 24, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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## CHAPTER 479

[Second Substitute Senate Bill No. 5986]

### OIL SPILLS

AN ACT Relating to oil spills; 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.

Be it enacted by the Legislature of the State of Washington:

**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.

Passed the Senate April 20, 1987.

Passed the House April 13, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.



## CHAPTER 480

[Substitute House Bill No. 833]

EFFICIENCY AND ACCOUNTABILITY IN GOVERNMENT—TEMPORARY  
COMMISSION

AN ACT Relating to efficiency in government; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

**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.

Passed the House April 22, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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CHAPTER 481

[Engrossed Substitute House Bill No. 644]

ENVIRONMENTAL LABORATORY CERTIFICATION

AN ACT Relating to laboratory certification by the department of ecology; and adding new sections to chapter 43.21A RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 43.21A RCW to read as follows:

The director of ecology may certify environmental laboratories which conduct tests or prepare data for submittal to the department. Fees for certification may be charged by the department to cover the department's costs. Such certification may consider:

- (1) Evaluating protocols and procedures;
- (2) Determining the accuracy and reliability of test results, including internal quality assurance and quality control procedures and proficiency at analyzing test samples supplied by the department;
- (3) Certifying laboratories based on prior certification by another state or federal agency whose certification requirements are deemed satisfactory by the director; and
- (4) Such other factors as the director considers appropriate.

The director of ecology may require that any person submitting laboratory data or test results to the department use laboratories certified by the department or laboratories which participate in quality assurance programs administered by the federal environmental protection agency.

Persons receiving a federal permit for wastewater discharge who operate a lab solely for their own use and who require certification for only conventional pollutants shall not be charged an annual certification fee in excess of the actual costs of providing the certification or four thousand dollars, whichever is less. Conventional pollutants as used in this subsection means those conventional pollutants regulated under the federal clean water act (33 U.S.C. Sec. 1314).

Fees and lab quality control requirements for persons receiving state or federal wastewater discharge permits shall not be implemented before September 30, 1988. The department shall not duplicate any laboratory quality control requirements imposed by the United States environmental protection agency.

**NEW SECTION, Sec. 2.** A new section is added to chapter 43.21A RCW to read as follows:

Laboratories owned by persons holding wastewater discharge permits and operated solely for their own use which participate in quality assurance programs administered by the federal environmental protection agency shall be exempt from certification and fee requirements for the specific methods and tests which are the subject of such quality assurance programs.

Passed the House April 22, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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## CHAPTER 482

[Engrossed Substitute House Bill No. 995]  
MOBILE HOME PARKS PURCHASE FUND

AN ACT Relating to the mobile home park purchase fund and providing technical assistance; adding a new chapter to Title 59 RCW; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION, Sec. 1.** (1) The legislature finds:

(a) That manufactured housing and mobile home parks provide a source of low-cost housing to the low income, elderly, poor and infirmed, without which they could not afford private housing; but rising costs of mobile home park development and operation, as well as turnover in ownership, has resulted in mobile home park living becoming unaffordable to the low income, elderly, poor and infirmed, resulting in increased numbers of homeless persons, and persons who must look to public housing and public programs, increasing the burden on the state to meet the housing needs of its residents;

(b) That state government can play a vital role in addressing the problems confronted by mobile home park residents by providing assistance which makes it possible for mobile home park residents to acquire the mobile home parks in which they reside and convert them to resident ownership; and

(c) That to accomplish this purpose, information and technical support shall be made available through the department of community development.

(2) Therefore, it is the intent of the legislature, in order to maintain low-cost housing in mobile home parks to benefit the low income, elderly,

poor and infirmed, to encourage and facilitate the conversion of mobile home parks to resident ownership, to protect low-income mobile home park residents from both physical and economic displacement, to obtain a high level of private financing for mobile home park conversions, and to help establish acceptance for resident-owned mobile home parks in the private market.

**NEW SECTION.** Sec. 2. The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(2) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(3) "Department" means the department of community development.

(4) "Fund" means the mobile home park purchase fund created pursuant to section 4 of this act.

(5) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(6) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(7) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

(8) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(9) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030(4), or a manufactured home park subdivision as defined by RCW 59.20.030(6) created by the conversion to resident ownership of a mobile home park.

(10) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(11) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

***\*NEW SECTION. Sec. 3. Nothing in this chapter shall limit the park owner's right to exert full management and control of a portion of a park retained in the case of a sale of a portion of a mobile home park to a resident organization.***

*\*Sec. 3 was vetoed, see message at end of chapter.*

***NEW SECTION. Sec. 4. The mobile home park purchase fund is hereby created and shall be maintained in the office of the treasurer. The purpose of this fund is to provide loans according to the provisions of this chapter and for related administrative costs of the department. The fund shall include appropriations, loan repayments, interest, and any other money from private sources made available to the state for the purposes of this chapter. Owners of mobile home parks shall not be assessed for the purposes of this fund.***

***\*NEW SECTION. Sec. 5. (1) Subject to appropriation, the department may make loans from the fund to resident organizations for the purpose of financing mobile home park conversion costs, as defined in this chapter.***

***(2) Loans provided pursuant to this section shall be for a term of no more than three years and shall bear interest at a competitive rate set by the department and adjusted by the department when necessary.***

***(3) Loans granted pursuant to this section shall be for the least amount necessary to enable a resident organization to acquire and convert the mobile home park in which its members reside. However, in no case shall the loan amount exceed fifty percent of the approved conversion costs.***

***(4) The department shall only make loans to resident organizations of mobile home parks where a significant portion of the residents are low income, elderly, poor or infirmed.***

*\*Sec. 5 was vetoed, see message at end of chapter.*

***\*NEW SECTION. Sec. 6. (1) The department may make loans from the fund to low-income residents of mobile home parks converted to resident***

*ownership or to resident organizations which have converted or plan to convert a mobile home park to resident ownership. The purpose of providing loans pursuant to this section is to reduce the monthly housing costs for low-income residents to an affordable level.*

*(2) Loans provided pursuant to this section shall be for a term of no more than thirty years and shall bear interest at a competitive rate set by the department.*

*(3) The department may establish flexible repayment terms for loans provided pursuant to this section if the terms are necessary to reduce monthly housing costs for low-income residents to an affordable level and do not represent an unacceptable risk to the security of the fund.*

*(4) Loans provided to low-income residents pursuant to this section shall be for the least amount necessary to reduce the borrower's monthly housing costs to an affordable level. However, in no case shall loan amounts exceed fifty percent of the acquisition costs of the individual interests in the mobile home parks. In addition, the total indebtedness upon individual interests may not exceed ninety percent of the value of the interests.*

*(5) Loans provided to resident organizations pursuant to this section shall be for the least amount necessary to reduce the monthly housing costs of low-income residents to an affordable level. However, in no case shall the loan amounts exceed fifty percent of the conversions costs attributable to the low-income spaces. Funds provided pursuant to this section shall not be used to assist residents who are not low-income, or to reduce monthly housing costs for low-income residents to less than thirty percent of their monthly income.*

*\*Sec. 6 was vetoed, see message at end of chapter.*

*\*NEW SECTION. Sec. 7. In determining the eligibility for, and the amount of, loans pursuant to sections 5 and 6 of this act, the department shall take into consideration, among other factors, all of the following: (1) The reasonableness of the conversion costs relating to repairs, rehabilitation, construction, or other costs; (2) whether or not the project complements the implementation of a local housing program to preserve or increase the supply of housing for persons and families of low or moderate income; (3) whether or not state funds are utilized in the most efficient and effective manner in the furtherance of the goals of this chapter; and (4) any administrative and security factors affecting the department's program operation and administration.*

*To the extent consistent with requests for assistance, the department shall allocate funds available for the purposes of this chapter throughout the state in accordance with identified housing needs, including seeking to allocate not less than twenty percent to rural areas.*

*\*Sec. 7 was vetoed, see message at end of chapter.*

*\*NEW SECTION. Sec. 8. (1) The department shall adopt regulations for the administration and implementation of this chapter.*

(2) *The department shall obtain the best available security for loans made pursuant to this chapter. The security may be in the form of a note, deed of trust, assignment of lease, or other form of security on real or personal property which the department determines is adequate to protect the security of the fund and the interests of the state. To the extent applicable, these security documents shall be recorded or referenced in a recorded document in the office of the county auditor of the county in which the mobile home park is located.*

(3) *The department shall exercise sufficient regulatory control with respect to park operations to assure the accomplishment of the purposes of the program authorized by this chapter.*

(4) *Before providing financing pursuant to this chapter, the department shall require provision of, and approve, at least the following:*

(a) *Verification that at least two-thirds of the households residing in the mobile home park support the plan for acquisition and conversion of the park;*

(b) *Verification that either no park residents will be involuntarily displaced as a result of the park conversion, or the impacts of displacement will be mitigated so as not to impose an unreasonable hardship on the displaced resident or residents;*

(c) *Verification that the conversion is consistent with local zoning and land use requirements, other applicable state and local laws, and regulations and ordinances;*

(d) *Projected costs and sources of funds for all conversion activities;*

(e) *Projected operating budget for the park during and after conversion;*

(f) *A management plan for the conversion and operation of the park; and*

(g) *If necessary, a relocation plan, funded by the resident organization, for residents not participating.*

(5) *The department shall, to the greatest extent feasible, do both of the following:*

(a) *Require participation by cities and counties in loan applications submitted pursuant to this chapter; and*

(b) *Contract with private lenders or units of local government to provide program administration and to service loans made pursuant to this chapter.*

*\*Sec. 8 was vetoed, see message at end of chapter.*

***\*NEW SECTION. Sec. 9. (1) The department shall provide technical assistance to resident organizations or low-income residents who wish to convert the mobile home park in which they reside to resident ownership or to acquire an individual interest in a mobile home park. Technical assistance provided under this section shall be general in nature and shall not include the final details connected with the sale or conversion of a mobile home park which would require the department to act in a representative capacity, or would require the department to draft documents affecting legal or property rights of the parties.***



**(2) As part of the general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.**

**This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance under subsection (1) of this section. The office will keep records of its activities in this area.**

**This office will also provide an ombudsman service to mobile home park owners and mobile home tenants with respect to accessing governmental services related to health and safety within mobile home parks.**

**This office will further recommend policies and strategies that will promote the development and utilization of mobile homes or manufactured housing and the conversion of mobile home parks to resident ownership as a means of enhancing the supply of safe, sanitary, low and moderate-income housing within the state, and advise the legislature, executive agencies of state government, and local government entities accordingly.**

**The office may not consider, evaluate, or develop policies or any means of government controlling the economic return to mobile home park owners resulting from operation of their parks.**

**(3) The department shall establish the mobile home and manufactured housing affairs advisory committee. The committee shall consist of five members appointed by the director of the department of community development. The committee shall be comprised of one representative of mobile home park tenants, one representative of mobile home park owners, and one representative of the public at large, each of whom shall be knowledgeable and have practical experience with the mobile home landlord tenant act, one representative of mobile home manufacturers and one representative of local governments. Only the representatives of the mobile home park tenants, mobile home park owners, and the public at large shall review and advise the office on issues relating to the mobile home landlord tenant act. The director of the department of community development shall appoint the committee chairperson. The entire committee shall advise the office in implementing the provisions of subsections (1) and (2) of this section. The members of the committee shall not receive compensation or reimbursement for travel expenses.**

**\*Sec. 9 was vetoed, see message at end of chapter.**

**\*NEW SECTION. Sec. 10. Within two years of the completion of a sufficient number of mobile home park conversions to allow for meaningful evaluation, the department shall undertake an evaluation of the program established by this chapter, and submit its findings to the legislature. However, in no event shall this report be submitted later than December 31, 1990. This evaluation shall include an examination of the financial, governmental, and**

*institutional constraints on the conversion of mobile home parks; the impact of park conversions upon low-income residents, including those residents who moved from the parks during the conversion process or within one year after conversion; the distribution and average income and assets of residents who have participated; data on loan delinquencies and defaults; the costs of acquiring and converting mobile home parks to resident ownership; and a comparison of different resident ownership structures financed pursuant to this chapter.*

\*Sec. 10 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 59 RCW.

NEW SECTION. Sec. 12. This chapter shall remain in effect until July 1, 1991, and as of that date is repealed, unless that date is extended.

Passed the House April 22, 1987.

Passed the Senate April 13, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 3, 5, 6, 7, 8, 9 and 10, Engrossed Substitute House Bill No. 995, entitled:

"AN ACT Relating to the mobile home park purchase fund and providing technical assistance."

Engrossed Substitute House Bill No. 995 establishes a mobile home park purchase fund and requires the Department of Community Development to establish an office of mobile home affairs, provide ombudsman services and technical assistance, and staff a new advisory committee on mobile home and manufactured housing affair.

Although I concur that manufactured housing and mobile homes provide an important source of low-income housing in Washington State, this bill would establish an extensive new program and subsidies in an area in which state government has no experience. Further, the Legislature did not appropriate funding for this ambitious and costly new program.

Sections 3, 5, 6, 7 and 8 set up the internal policies and procedures of the mobile home park purchase fund. The Housing Committee of the House of Representatives will be looking at potential funding sources for a park purchase program over the interim to address next session. Therefore, it is premature to now outline specific internal fund policies and to mandate the development of regulations before having answered the more basic question of a financing source.

Section 9 includes several substantive but unfunded program activities for the Department of Community Development. Although I am vetoing this section, I have requested the department to establish an office of mobile home affairs and the provide technical assistance to mobile home tenants and park owners. By establishing this office, the department will be able to gain experience with mobile home and manufactured housing issues and will begin to collect information on additional program needs. The department's experience in providing this initial technical assistance may well demonstrate the need for other elements of this bill and warrant expansion of this program in future legislation.

Another difficulty with proposed language in section 9 is the requirement that the Department of Community Development "promote the development and utilization of mobile homes or manufactured housing." I have eliminated this paragraph because I feel it is inappropriate for the Department to advocate on behalf of a narrow segment of housing options (mobiles and manufactured units) when Department of Community Development's overall agency mission is to help develop low-income housing and involves working on a broader range of housing supply types.

Subsection 3 of section 9 would establish a narrowly-focused advisory committee in statute. Boards, commissions, committees, task forces and similar entities have proliferated in this state, and now number over 400. The director of Community Development has authority to create ad hoc advisory groups as the need arises. This authority makes it unnecessary to create advisory committees in statute.

Section 10 requires the department to evaluate programs established in the bill. With no programs being established, such an evaluation would be irrelevant.

Although several sections have been vetoed, I have retained sections related to the mobile home park purchase fund framework and have requested the department to undertake technical assistance activities. This will allow the state to pursue the worthy goal of protecting mobile home parks as an important source of low-income housing consistent with our current level of knowledge and fiscal capacity. I am also asking the Department to ensure that it coordinates implementation of this legislation with its work on the Housing Trust Fund, which might be utilized in conjunction with the mobile home park purchase fund established by this legislation.

With the exception of sections 3, 5, 6, 7, 8, 9, and section 10, Engrossed Substitute House Bill No. 995 is approved.\*

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## CHAPTER 483

[Engrossed Substitute Senate Bill No. 6064]

### HOTEL AND MOTEL SPECIAL EXCISE TAX—REVISIONS

AN ACT Relating to the local excise tax on lodgings for purposes of stadium, convention, performing arts, and visual arts facilities in counties currently imposing the county-option tax upon transactions simultaneously subject to the lodgings tax of a city or cities; and amending RCW 67.28.180.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 11, chapter 236, Laws of 1967 as last amended by section 1, chapter 104, Laws of 1986 and RCW 67.28.180 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is 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: PROVIDED, That 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 levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this ~~((chapter))~~ 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 pursuant to this ~~((chapter))~~ section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), ~~((so long as, and))~~ to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In class AA counties, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in counties other than class AA counties, for county-owned facilities for agricultural promotion.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either

pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used for art ~~((and)) museums,~~ cultural museums, the arts, and/or the performing arts.

(b) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(c) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(d) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

(e) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(e) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

**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.

Passed the Senate April 23, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 484

[House Bill No. 220]

### COLLECTIVE BARGAINING—PRINTING CRAFT EMPLOYEES IN THE UNIVERSITY OF WASHINGTON PRINTING DEPARTMENT

AN ACT Relating to University of Washington printing craft employees; and adding a new section to chapter 41.56 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter shall apply to the University of Washington with respect to the printing craft employees in the department of printing at the University of Washington.

Passed the House February 18, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 485

[Substitute House Bill No. 630]

### PILOTAGE—BOARD MODIFICATIONS—GRAYS HARBOR DISTRICT TO INCLUDE WILLAPA HARBOR—ATTORNEY GENERAL PROSECUTION AUTHORITY—COMPANIES MAY BAR INDIVIDUAL PILOTS FROM THEIR VESSELS

AN ACT Relating to pilotage; amending RCW 88.16.010, 88.16.040, 88.16.050, 88.16.120, and 88.16.150; and adding a new section to chapter 88.16 RCW.

Be it enacted by the Legislature of the State of Washington:

\*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)) 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.*~~

~~(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 unfilled 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. 1 was partially vetoed, see message at end of chapter.

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.

Passed the House April 21, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to part of section 1, Substitute House Bill No. 630 entitled:

"AN ACT Relating to pilotage."

A portion of section 1 of this bill amends the requirements for public members appointed to the board of pilotage commissioners. The amendment prohibits such members from being licensed pilots or employees of a vessel operator for ten years preceding appointment and from having a direct financial interest in pilot-related business.

While I support the Legislature's intention to provide a balance among representatives to boards and commissions, I cannot support altering requirements that would affect the terms of existing members. Unfortunately, the Attorney General's office believes this amendment would necessitate the removal of a current board member. Should the Legislature pass similar legislation clearly affecting only future appointments and terms, I would give it more favorable consideration.

With the exception of part of section 1, Substitute House Bill No. 630 is approved."

## CHAPTER 486

[Second Substitute Senate Bill No. 5063]

CHILD AND ADULT ABUSE INFORMATION—BUSINESSES AND  
ORGANIZATIONS PROVIDING SERVICES TO CHILDREN OR  
DEVELOPMENTALLY DISABLED PERSONS

AN ACT Relating to child and adult abuse information; 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.

Be it enacted by the Legislature of the State of Washington:

**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; ~~((d))~~ (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.

Passed the Senate April 20, 1987.

Passed the House April 14, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 487

[House Bill No. 452]

### SCHOOL-BASED DAY CARE—DISTRICT'S USE OF FUNDS

AN ACT Relating to school-based day care; and adding a new section to chapter 28A.34 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.34 RCW to read as follows:

As a supplement to the authority otherwise granted by this chapter respecting the care or instruction, or both, of children in general, the board of directors of any school district may only utilize funds outside the state basic education appropriation and the state school transportation appropriation to:

(1) Contract with public and private entities to conduct all or any portion of the management and operation of a child care program at a school district site or elsewhere;

(2) Establish charges based upon costs incurred under this section and provide for the reduction or waiver of charges in individual cases based upon the financial ability of the parents or legal guardians of enrolled children to pay the charges, or upon their provision of other valuable consideration to the school district; and

(3) Transport children enrolled in a child care program to the program and to related sites using district-owned school buses and other motor vehicles, or by contracting for such transportation and related services: 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.

Passed the House April 21, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 488

[Engrossed Substitute Senate Bill No. 5071]

### DANGEROUS WASTES AND HAZARDOUS WASTES REDEFINED—ECOLOGY DEPARTMENT AUTHORITY GRANTED OVER ALL HAZARDOUS WASTES—HAZARDOUS WASTE DISPOSAL METHODS

AN ACT Relating to dangerous wastes; amending RCW 70.105.010, 70.105.110, and 70.105.050; and adding new sections to chapter 70.105 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 101, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 448, Laws of 1985 and RCW 70.105.010 are each amended to read as follows:

The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology or his designee.

(3) "Disposal site" means a geographical site in or upon which hazardous wastes are disposed of in accordance with the provisions of this chapter.

(4) "Dispose or disposal" means the discarding or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.

(5) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned ((nonradioactive)) substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(6) "Extremely hazardous waste" means any dangerous waste which

(a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and

(ii) is highly toxic to man or wildlife

(b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(7) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(8) "Pesticide" shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.

(9) "Solid waste advisory committee" means the same advisory committee as per RCW 70.95.040 through 70.95.070.

(10) "Designated zone facility" means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.

(11) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

(12) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

(13) "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70.105.220.

(14) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.



(15) "Hazardous waste" means and includes all dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components.

(16) "Local government" means a city, town, or county.

(17) "Moderate-risk waste" means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

NEW SECTION. Sec. 2. A new section is added to chapter 70.105 RCW to read as follows:

The department of ecology may regulate all hazardous wastes, including those composed of both radioactive and hazardous components, to the extent it is not preempted by federal law.

Sec. 3. Section 11, chapter 101, Laws of 1975-'76 2nd ex. sess. as amended by section 3, chapter 237, Laws of 1984 and RCW 70.105.110 are each amended to read as follows:

(1) ~~((With the exception of subsection (2), nothing in this chapter shall apply to any radioactive waste or radioactive material.~~

~~(2))~~ Nothing in this chapter shall alter, amend, or supersede the provisions of chapter 80.50 RCW, except that, notwithstanding any provision of chapter 80.50 RCW, regulation of dangerous wastes associated with energy facilities from generation to disposal shall be solely by the department pursuant to chapter 70.105 RCW. In the implementation of said section, the department shall consult and cooperate with the energy facility site evaluation council and, in order to reduce duplication of effort and to provide necessary coordination of monitoring and on-site inspection programs at energy facility sites, any on-site inspection by the department that may be required for the purposes of this chapter shall be performed pursuant to an interagency coordination agreement with the council.

~~((3))~~ (2) To facilitate the implementation of this chapter, the energy facility site evaluation council may require certificate holders to remove from their energy facility sites any dangerous wastes, controlled by this chapter, within ninety days of their generation.

Sec. 4. Section 5, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.050 are each amended to read as follows:

(1) No person shall dispose of designated extremely hazardous wastes at any disposal site in the state other than the disposal site established and approved for such purpose under provisions of this chapter, except when such wastes are going to a processing facility which will result in the waste being reclaimed, treated, detoxified, neutralized, or otherwise processed to remove its harmful properties or characteristics.

(2) Extremely hazardous wastes that contain radioactive components may be disposed at a radioactive waste disposal site that is (a) owned by the United States department of energy or a licensee of the nuclear regulatory commission and (b) permitted by the department and operated in compliance with the provisions of this chapter. However, prior to disposal, or as a part of disposal, all reasonable methods of treatment, detoxification, neutralization, or other waste management methodologies designed to mitigate hazards associated with these wastes shall be employed, as required by applicable federal and state laws and regulations.

**NEW SECTION.** Sec. 5. A new section is added to chapter 70.105 RCW to read as follows:

Nothing in this chapter diminishes the authority of the department of social and health services to regulate the radioactive portion of mixed wastes pursuant to chapter 70.98 RCW.

Passed the Senate April 26, 1987.

Passed the House April 26, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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## CHAPTER 489

[Engrossed Second Substitute Senate Bill No. 5252]

### CHILD ABUSE AND NEGLECT PRIMARY PREVENTION CURRICULUM—PRIMARY PREVENTION PROGRAM

AN ACT Relating to child abuse education; 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.

Be it enacted by the Legislature of the State of Washington:

**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.

Passed the Senate April 20, 1987.

Passed the House April 15, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 490

[House Bill No. 3]

### RETIREMENT OVERPAYMENTS

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

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 13, Laws of 1982 and RCW 41.50.130 are each amended to read as follows:

(1) The director may at any time correct errors appearing in the records of the retirement systems listed in RCW 41.50.030. Should any error in such records result in any member or beneficiary receiving more or less than he or she would have been entitled to had the records been correct, the director, subject to the conditions set forth in (~~subsection (2) of~~) this section, shall adjust the payment in such a manner that the benefit to which

such member or beneficiary was correctly entitled shall be paid in accordance with the following:

(a) In the case of underpayments to a member or beneficiary, the retirement system shall correct all future payments from the point of error detection, and shall compute the additional payment due for the allowable prior period which shall be paid in a lump sum by the appropriate retirement system.

(b) In the case of overpayments to a member or beneficiary, the retirement system shall adjust the payment in such a manner that the benefit to which such member or beneficiary was correctly entitled shall be reduced by an amount equal to the actuarial equivalent of the amount of overpayment. Alternatively the member shall have the option of repaying the overpayment in a lump sum within ninety days of notification and receive the proper benefit in the future. In the case of overpayments to a member or beneficiary resulting from actual fraud on the part of the member or beneficiary, the benefits shall be adjusted to reflect the full amount of such overpayment, plus interest at the maximum rate allowed under RCW 19.52.020(1) as it was in effect the first month the overpayment occurred.

~~(2) ((a)) Except ((as provided in subsection (2)(b) of this section))~~ in the case of actual fraud, in the case of overpayments to a member or beneficiary, the benefits shall be adjusted to reflect only the amount of overpayments made within three years of discovery of the error, notwithstanding any provision to the contrary in chapter 4.16 RCW.

~~((b) In the case of underpayments or overpayments to a member or beneficiary resulting from actual fraud on the part of the member or beneficiary, the benefits shall be adjusted to reflect the full amount of such underpayment or overpayment, plus interest at the rate that was specified in RCW 4.56.110 for each year that the overpayment or underpayment occurred.~~

~~(c))~~ (3) (a) The employer shall elicit on a written form from all new employees as to their having been retired from a retirement system listed in RCW 41.50.030.

(b) In the case of overpayments which result from the failure of an employer to report properly to the department the employment of a retiree from information received in subparagraph (a), the employer shall, upon receipt of a billing from the department, pay into the appropriate retirement system the amount of the overpayment plus interest as determined by the director. However, except in the case of actual employer fraud, the overpayments charged to the employer under this subsection shall not exceed five thousand dollars for each year of overpayments received by a retiree. The retiree's benefits upon reretirement shall not be reduced because of such overpayment except as necessary to recapture contributions required for periods of employment.

(c) The provision of this subsection regarding the reduction of retirees' benefits shall apply to recovery actions commenced on or after January 1, 1986, even though the overpayments resulting from retiree employment were discovered by the department prior to that date. The provisions of this subsection regarding the billing of employers for overpayments shall apply to overpayments made after January 1, 1986.

(4) Except in the case of actual fraud, no monthly benefit shall be reduced by more than fifty percent of the member's or beneficiary's corrected benefit.

~~((3))~~ (5) Except as provided in subsection (2)~~((a))~~ of this section, obligations of employers or members until paid to the department shall constitute a debt from the employer or member to the department, recovery of which shall not be barred by laches or statutes of limitation.

NEW SECTION. Sec. 2. The director of the department of retirement systems shall not recover from surviving beneficiaries of members who died in service any pension overpayment based on the application of section 2, chapter 96, Laws of 1979 ex. sess., nor shall such benefits be reduced.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 491

[Engrossed Senate Bill No. 6003]

### COLUMBIA BASIN PROJECT—NONRELINQUISHMENT OF WATER RIGHTS

AN ACT Relating to nonrelinquishment of water rights; adding a new section to chapter 90.40 RCW.

Be it enacted by the Legislature of the State of Washington:

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.

Passed the Senate April 21, 1987.

Passed the House April 17, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 492

[Engrossed Senate Bill No. 5996]

## WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

AN ACT Relating to the vocational technology center; adding a new chapter to Title 28C RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature finds and declares as the express purpose of this chapter:

(1) A vocational technology center will provide both direct and indirect civic and economic benefits to the people of the state of Washington;

(2) Economic growth will be enhanced by the increased number of skilled individuals that will enter the job pool in the region and displaced workers will be retrained reducing unemployment and the numbers of persons receiving welfare;

(3) A unique opportunity exists for the business community in Puget Sound to work with the Seattle public school system and the sixth community college district in Seattle to provide effective vocational-technical training to the citizens of this state and to create a program that will become a national model for cooperation between industries and educational systems and institutions;

(4) The program shall be designed 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;

(5) The program will help coordinate technology training programs between the secondary and postsecondary educational systems; and

(6) A trained work force is one of the major factors that attracts new business and industries to an area, particularly in a rapidly changing technological age.

**NEW SECTION.** Sec. 2. (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 fifteen directors for the corporation who shall serve terms of six years. The governor shall appoint the members as follows: Nine members shall represent the business community, three members shall represent the sixth community college district board of trustees, and three shall represent the Seattle school board. The terms of the initial members shall be staggered. The directors may provide for the payment of their expenses. The corporation may cause a vocational technical center to

be designed and constructed on a site in the city of Seattle. The center shall be named the Washington institute of applied technology.

(2) The powers and duties of the directors shall include:

(a) Having full authority and responsibility for management, policy decisions, curriculum development, and resource allocations involving the center;

(b) Employing a director of the center, who shall serve at the pleasure of the directors of the corporation;

(c) Working with the Seattle school district and the sixth community college district to use existing resources of the Seattle school district and the sixth community college district to provide services for all normal operating functions of the center, including but not limited to, payroll, personnel, accounting, and disbursement of funds, as authorized by the director;

(d) Working closely with the office of the superintendent of public instruction on all fiscal matters;

(e) Negotiating an agreement with the sixth community college district and the Seattle school district which will commit all parties to a plan of governance and operation of the center and the plan shall be completed and agreed upon within forty-five days after the effective date of this section;

(f) Hiring staff as necessary to negotiate, with the approval of the directors, with the applicable public or private service providers to conduct the instructional activities of the center. However, the directors shall not hire instructional staff or faculty;

(g) Designing and implementing the programs offered through the center, but the directors shall not cause a training program in the construction trades to be offered unless the program is approved by recognized trade groups in this state and the directors;

(h) Awarding appropriate diplomas or certificates of completion, or other evidence of satisfactory performance may be awarded as appropriate;

(i) Initiating and causing to be conducted research regarding the needs of businesses and industries in the region and the state for a work force with appropriate training and evaluating the center's programs and courses based upon the research;

(j) Preparing a budget for the center consistent with the requirements applicable to common school districts;

(k) Receiving 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 center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments; and

(l) Charging tuition and fees that shall not be higher than that provided for community colleges under RCW 28B.15.502 and that comply with the applicable provisions under chapter 28B.15 RCW, including but not



limited to the provisions defining "resident student," and the board may provide for waivers of tuition and fees and provide scholarships.

(3) The directors shall enter into contracts with participating school districts that provide for a school district to reimburse the center for the costs of a student enrolled in a school in that district attending a course or courses at the center. 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.

(4) The corporation may acquire and transfer real and personal property by lease, purchase, or sale, and further acquire property by gift, accept grants, cause the vocational technical center facilities to be constructed if funds are so appropriated, and do whatever is necessary or appropriate to carry out those purposes. The corporation shall maintain, operate, promote, and manage the vocational technology center.

(5) 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; chapter 28B.16 RCW; and chapter 41.40 RCW.

NEW SECTION. Sec. 3. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. The board created by the bill would be required to file an annual report on program and fiscal activities with the legislature and the superintendent of public instruction.

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.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act shall constitute a new chapter in Title 28C RCW.

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.

Passed the Senate March 20, 1987.

Passed the House April 26, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

CHAPTER 493

[House Bill No. 67]

SEED CONDITIONING—TAX EXEMPTION

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

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 82.04.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 9, Laws of 1982 2nd ex. sess. and RCW 82.04.120 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles.

"To manufacture" shall not include conditioning of seed for use in planting or activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen or canned outside this state.

Passed the House March 13, 1987.

Passed the Senate April 10, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

CHAPTER 494

[House Bill No. 628]

DIESEL FUEL USED IN CERTAIN FISHING OPERATIONS—TAX EXEMPTION

AN ACT Relating to retail sales and use taxation of diesel fuel; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of diesel fuel for use in the operation of watercraft in commercial deep sea fishing operations or commercial passenger fishing boat operations by persons who are regularly engaged in the business of commercial deep sea fishing or commercial passenger fishing boat operations outside the territorial waters of this state.

For purposes of this section, a person is not regularly engaged in the business of commercial deep sea fishing or the operation of a commercial

passenger fishing boat if the person has gross receipts from these operations of less than five thousand dollars a year.

**NEW SECTION.** Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of diesel fuel in the operation of watercraft in commercial deep sea fishing operations or commercial passenger fishing boat operations by persons who are regularly engaged in the business of commercial deep sea fishing or commercial passenger fishing boat operations outside the territorial waters of this state.

For purposes of this section, a person is not regularly engaged in the business of commercial deep sea fishing or the operation of a commercial passenger fishing boat if the person has gross receipts from these operations of less than five thousand dollars a year.

Passed the House March 18, 1987.

Passed the Senate April 8, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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## CHAPTER 495

[Substitute Senate Bill No. 6033]

### HOPS—TAX EXEMPTION

AN ACT Relating to the business and occupation taxation of hops; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

This chapter shall not apply to amounts received by hop growers or dealers for hops which are shipped outside the state of Washington for first use, if those hops have been processed into extract, pellets, or powder in this state. This section does not exempt a processor or warehouse from taxation under this chapter on amounts charged for processing or warehousing.

**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.

Passed the Senate April 25, 1987.

Passed the House April 17, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 496

[House Bill No. 209]

## CIGARETTE TAX ENFORCEMENT

AN ACT Relating to cigarette tax enforcement; amending RCW 82.24.110, 82.24.130, and 82.24.070; adding new sections to chapter 82.24 RCW; repealing RCW 82.24.140; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 82.24.110, chapter 15, Laws of 1961 as amended by section 63, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.24.110 are each amended to read as follows:

(1) Each of the following acts is a gross misdemeanor and punishable as such:

((1)) (a) To sell, except as a registered wholesaler or retailer engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed;

((2)) (b) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

((3)) (c) For any person other than the department of revenue or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

((4)) (d) To violate any of the provisions of this chapter;

((5)) (e) To violate any lawful rule or regulation made and published by the department of revenue;

((6)) (f) To use any stamps more than once;

((7)) (g) To refuse to allow the department of revenue or any duly authorized agent thereof, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;

((8)) (h) For any retailer, except one permitted to maintain an unstamped stock to engage in interstate business as provided herein, to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached;

((9)) (i) For any person to make, use, or present or exhibit to the department of revenue or any duly authorized agent thereof, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;

((10)) (j) For any wholesaler or retailer or his agents or employees to fail to produce on demand of the department of revenue all invoices of all the articles herein taxed or stamps bought by him or received in his place of business within five years prior to such demand unless he can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond his control;

~~((H))~~ (k) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped cigarettes do so to avoid payment of the tax imposed herein;

(1) For any person to possess or transport upon the public highways, roads, or streets of this state a quantity of sixty thousand cigarettes or less unless the proper stamps required by this chapter have been affixed or unless the person transporting the cigarettes has in actual possession invoices or delivery tickets therefor which show the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported and unless the cigarettes are consigned to or purchased by any person in this state who is a purchaser or consignee authorized by this chapter to possess unstamped cigarettes in this state.

(2) It is unlawful for any person knowingly or intentionally to possess or to transport upon the public highways, roads, or streets of this state a quantity in excess of sixty thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported. Violation of this section shall be punished as a class C felony under Title 9A RCW.

(3) All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses (~~herein~~) described in this chapter shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer or any other person violating the provisions thereof.

Sec. 2. Section 82.24.130, chapter 15, Laws of 1961 as amended by section 5, chapter 157, Laws of 1972 ex. sess. and RCW 82.24.130 are each amended to read as follows:

~~((Subject to the provisions of RCW 82.24.250, any articles taxed herein found at any point within this state, which articles shall be held, owned or possessed by any person, and not having the stamps affixed to the packages or containers are hereby declared to be contraband goods, and may be seized by the department of revenue, or its duly authorized agent, or by any peace officer of the state, when directed by the department of revenue so to do, without a warrant, and said goods shall be offered by the department of revenue for sale at public auction to the highest bidder after due advertisement, but the department of revenue before delivering any of the goods so seized shall require the person, to whom such articles are sold, to affix the proper amount of stamps. The proceeds of sale of any goods sold hereunder shall be paid to the department of revenue.~~

~~The cost of seizure and sale shall be paid out of the proceeds derived from the sale before making remittance.))~~

(1) The following are subject to seizure and forfeiture:

(a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that do not have the stamps affixed to the packages or containers.

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except:

(i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent;

(iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(c) Any vending machine ((and any vehicle, not a common carrier, which may be)) used for the purpose of violating the provisions of this chapter ((shall likewise be subject to seizure and sale in the same manner)).

(2) Property subject to forfeiture under this chapter may be seized by any agent of the department authorized to collect taxes or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or

(b) The department or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(3) Notwithstanding the foregoing provisions of this section, articles taxed ((herein)) in this chapter which are in the possession of a wholesaler or retailer, licensed by the department, pursuant to the provisions of chapter 19.91 RCW for a period of time necessary to affix the stamps after receipt of the articles, shall not be considered contraband.

NEW SECTION. Sec. 3. A new section is added to chapter 82.24 RCW to read as follows:

In all cases of seizure of any property made subject to forfeiture under this chapter the department shall proceed as follows:

(1) Forfeiture shall be deemed to have commenced by the seizure. Notice of seizure shall be given to the department immediately if the seizure is made by someone other than an agent of the department authorized to collect taxes.

(2) Upon notification or seizure by the department or upon receipt of property subject to forfeiture under this chapter from any other person, the department shall list and particularly describe the property seized in duplicate and have the property appraised by a qualified person not employed by the department or acting as its agent. Listing and appraisal of the property shall be properly attested by the department and the appraiser, who shall be allowed a reasonable appraisal fee. No appraisal is required if the property seized is judged by the department to be less than one hundred dollars in value.

(3) The department shall cause notice to be served within five days following the seizure or notification to the department of the seizure on the owner of the property seized, if known, on the person in charge thereof, and on any other person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by mail. If service is by mail it shall be by both certified mail with return receipt requested and regular mail. Service by mail shall be deemed complete upon mailing within the five-day period following the seizure or notification of the seizure to the department.

(4) If no person notifies the department in writing of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the item seized shall be considered forfeited.

(5) If any person notifies the department, in writing, of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the director or the director's designee, except that any person asserting a claim or right may bring an action for return of the seized items in the superior court of the county in which such property was seized, if the aggregate value of the article or articles involved is more than five hundred dollars. A hearing before the seizing agency and any appeal therefrom shall be in accordance with chapter 34.04 RCW. The burden of proof by a preponderance of the evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the items seized. The department shall promptly return the article or articles to the claimant upon a determination that the claimant is

the present lawful owner or is lawfully entitled to possession thereof of the items seized.

**NEW SECTION.** Sec. 4. A new section is added to chapter 82.24 RCW to read as follows:

When property is forfeited under this chapter the department may:

(1) Retain the property or any part thereof for official use or upon application by any law enforcement agency of this state, another state, or the District of Columbia, or of the United States for the exclusive use of enforcing the provisions of this chapter or the laws of any other state or the District of Columbia or of the United States.

(2) Sell the property at public auction to the highest bidder after due advertisement, but the department before delivering any of the goods so seized shall require the person to whom the property is sold to affix the proper amount of stamps. The proceeds of the sale and all moneys forfeited under this chapter shall be first applied to the payment of all proper expenses of any investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs. The balance of the proceeds and all moneys shall be deposited in the general fund of the state. Proper expenses of investigation includes costs incurred by any law enforcement agency or any federal, state, or local agency.

Sec. 5. Section 82.24.070, chapter 15, Laws of 1961 as last amended by section 2, chapter \_\_\_ (SB 5139), Laws of 1987 and RCW 82.24.070 are each amended to read as follows:

Wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum (~~equal to two percent of the first four mills of the value of the stamps purchased or affixed by them, one percent of the next one mill of the value of the stamps purchased or affixed by them, and one-half of one percent of the next one-half mill of the value of the~~) computed at the rate of four dollars per one thousand stamps purchased or affixed by them.

**NEW SECTION.** Sec. 6. Section 82.24.140, chapter 15, Laws of 1961, section 65, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.24.140 are each repealed.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.



## CHAPTER 497

[Engrossed Second Substitute House Bill No. 321]

## ALUMINUM PRODUCTION OR CASTING—EXCISE TAX DEFERRALS

AN ACT Relating to excise tax deferrals on machinery, equipment, and other personal property used in the production or casting of aluminum; amending RCW 82.61.010, 82.61.020, 82.61.030, and 82.61.060; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 2, Laws of 1985 ex. sess. as amended by section 9, chapter 116, Laws of 1986 and RCW 82.61.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Person" has the meaning given in RCW 82.04.030.

(3) "Department" means the department of revenue.

(4) "Eligible investment project" means:

(a) Construction of new buildings and the acquisition of new related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, 1988; or

(b) Acquisition prior to December 31, 1988, of new machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(c) Acquisition of all new or used machinery, equipment, or other personal property for use in the production or casting of aluminum at an aluminum smelter or at facilities related to an aluminum smelter, if the plant was in operation prior to 1975 and has ceased operations or is in imminent danger of ceasing operations for economic reasons, as determined by the department, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represented employees of the plant pursuant to a collective bargaining agreement that was in effect either immediately prior to the time the plant ceased operations or during the period when the plant was in imminent danger of ceasing operations, on the proposed operation of the plant and on the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter or has received a concurrence waiver from the department of trade and economic development; or

(d) Modernization projects involving construction, acquisition, or upgrading of equipment or machinery, including services and labor, which are commenced after the effective date of this 1987 section and are intended to increase the operating efficiency of existing plants which are either aluminum smelters or aluminum rolling mills or of facilities related to such plants, if the plant was in operation prior to 1975, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represents employees of the plant on the proposed operation of the plant and the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter or has received a concurrence waiver from the department of trade and economic development.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(6) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(7) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(8) "Machinery and equipment" means all ~~((new))~~ industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this ~~((definition))~~ chapter, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. ~~Used machinery and equipment ((are eligible for deferral))~~ may be treated as new equipment and machinery if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(12) "Operationally complete" means constructed or improved to the point of being functionally useable for the intended purpose.

(13) "Initiation of construction" means that date upon which on-site construction commences.

(14) "Concurrence waiver" means a written waiver of an otherwise required concurrence from a bargaining unit. The department of trade and economic development may issue a concurrence waiver only if:

(a) The department determines an applicant has made a good faith effort to obtain the required concurrence from a bargaining unit; and

(b) The department determines that granting the concurrence waiver is clearly in the best interests of the people of this state.

Sec. 2. Section 2, chapter 2, Laws of 1985 ex. sess. and RCW 82.61-.020 are each amended to read as follows:

Application for deferral of taxes under this chapter shall be made before initiation of the construction of the investment project or acquisition of equipment or machinery or plant. Application for deferral of taxes for modernization projects as defined in RCW 82.61.010(4)(d) shall be made during the calendar year in which construction begins or acquisition of equipment or machinery occurs. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days. A certificate holder shall initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate.

Sec. 3. Section 3, chapter 2, Laws of 1985 ex. sess. and RCW 82.61-.030 are each amended to read as follows:

Except for eligible projects within the definitions in RCW 82.61.010(4) (c) or (d), a tax deferral certificate shall only be issued to persons who, on June 14, 1985, are not engaged in manufacturing or research and development activities within this state. For purposes of this section, a person shall not be considered to be engaged in manufacturing or research and development activities where the only activities performed by such person in this state are sales, installation, repair, or promotional activities in respect to products manufactured outside this state. Any person who has succeeded by

merger, consolidation, incorporation or any other form or change of identity to the business of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, and any person who is a subsidiary of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, shall also be ineligible to receive a tax deferral certificate.

Sec. 4. Section 5, chapter 2, Laws of 1985 ex. sess. and RCW 82.61-.060 are each amended to read as follows:

(1) The recipient shall begin paying the deferred taxes in the third year after the date certified by the department as the date on which the construction project is operationally complete or the plant resumes operation, as appropriate. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest shall not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes is not extinguished by insolvency or other failure of the recipient.

**NEW SECTION.** Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**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.

Passed the House March 20, 1987.

Passed the Senate April 17, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 498

[Engrossed Substitute House Bill No. 341]

## BANKS—POWER AND AUTHORITY—REVISIONS

AN ACT Relating to banks and banking; amending RCW 30.04.900; adding a new section to chapter 30.04 RCW; and repealing RCW 30.04.200.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. A new section is added to chapter 30.04 RCW to read as follows:

(1) A bank or trust company, alone or in conjunction with other entities, may form, incorporate, or invest in corporations or other entities, whether or not such other corporation or entity is related to the bank or trust company's business. The aggregate amount of funds invested, or used in the formation of corporations or other entities under this section shall not exceed ten percent of the assets or fifty percent of the net worth, whichever is less, of the bank or trust company. For purposes of this subsection, "net worth" means the aggregate of capital, surplus, undivided profits, and all capital notes and debentures which are subordinate to the interest of depositors.

(2) A bank or trust company may engage in an activity permitted under this section only with the prior authorization of the supervisor. In approving or denying a proposed activity, the supervisor shall consider the financial and management strength of the institution, the convenience and needs of the public, and whether the proposed activity should be conducted through a subsidiary or affiliate of the bank. The supervisor may not authorize under this section and no bank or trust company may act as an insurance or travel agent unless otherwise authorized by state statute.

Sec. 2. Section 54, chapter 279, Laws of 1986 and RCW 30.04.900 are each amended to read as follows:

(1) The ~~((supervisor of banking))~~ director of general administration shall study the financial institution structure in the state and report to the governor and the appropriate standing committees of the house of representatives and the senate on changes which should be made to enable ~~((commercial banks))~~ state chartered financial institutions to remain safe and sound and yet be competitive with other federally chartered and nonchartered financial institutions. In conducting the study the ~~((supervisor))~~ director shall consider:

(a) The powers which ~~((commercial banks))~~ financial institutions under state regulatory authority should be entitled to exercise;

(b) The level of supervision that is necessary to assure safe and sound ~~((commercial banks))~~ financial institutions without unnecessarily restricting the operation of the institutions;

(c) Whether the distinction ~~((between))~~ among commercial banks, savings banks, and savings and loan associations should be retained, and if so, whether there should continue to be differences in their powers;

(d) The general corporate powers that should be authorized for ~~((banking corporations))~~ financial institutions; and

(e) Any other matters deemed by the ~~((supervisor))~~ director to be relevant.

(2) The ~~((supervisor))~~ director, in conducting the study required by subsection (1) of this section shall consult with the supervisor of banking, with the supervisor of savings and loans and with representatives from all types of financial institutions, including large and small, urban and rural, commercial banks, savings banks, and savings and loan associations and credit unions. The ~~((supervisor))~~ director shall also advise the appropriate standing committees of the house of representatives and the senate of all meetings held to consider the study conducted under this section.

(3) The ~~((supervisor of banking))~~ director shall submit the report required by subsection (1) of this section not later than November 1, 1987. ~~((A progress report shall be submitted to the governor and the respective standing committees of the house of representatives and the senate not later than December 1, 1986.))~~

NEW SECTION. Sec. 3. Section 30.04.200, chapter 33, Laws of 1955 and RCW 30.04.200 are each repealed.

Passed the House April 21, 1987.

Passed the Senate April 13, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 499

[Second Substitute House Bill No. 426]

### COLUMBIA RIVER GORGE COMMISSION

AN ACT Relating to state government ratifying an interstate compact with the state of Oregon and establishing the Columbia River Gorge Commission; adding new sections to chapter 43.97 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 90.58 RCW; repealing RCW 43.97.005, 43.97.010, 43.97.020, 43.97.030, 43.97.040, 43.97.060, 43.97.070, 43.97.080, 43.97.090, 43.97.900, 43.97A.010, 43.97A.020, 43.97A.030, 43.97A.040, and 43.97A.050; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature of the State of Washington hereby ratifies the Columbia River Gorge Compact set forth below, and the provisions of such compact hereby are declared to be the law of this state upon such compact becoming effective as provided in Article III.

A compact is entered into by and between the states of Washington and Oregon, signatories hereto, with the consent of the Congress of the United States of America, granted by an Act entitled, "The Columbia River Gorge National Scenic Area Act," P.L. 99-663.

#### ARTICLE I

##### Columbia Gorge Commission Established

a. The States of Oregon and Washington establish by way of this interstate compact a regional agency known as the Columbia River Gorge Commission. The commission established in accordance with this compact shall have the power and authority to perform all functions and responsibilities in accordance with the provisions of this compact and of the Columbia River Gorge National Scenic Area Act (the federal Act), which is incorporated by this specific reference in this agreement. The commission's powers shall include, but not be limited to:

1. The power to sue and be sued.

2. The power to disapprove a land use ordinance enacted by a county if the ordinance is inconsistent with the management plan, as provided in P.L. 96-663, Sec. 7(b)(3)(B).

3. The power to enact a land use ordinance setting standards for the use of nonfederal land in a county within the scenic area if the county fails to enact land use ordinances consistent with the management plan, as provided in P.L. 99-663, Sec. 7(c).

4. According to the provisions of P.L. 99-663, Sec. 10(c), the power to review all proposals for major development action and new residential development in each county in the scenic area, except urban areas, and the power to disapprove such development if the commission finds the development is inconsistent with the purposes of P.L. 99-663.

b. The commission shall appoint and remove or discharge such personnel as may be necessary for the performance of the commission's functions, irrespective of the civil service, personnel or other merit system laws of any of the party states.

c. The commission may establish and maintain, independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivors insurance provided that the commission takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

d. The commission shall obtain the services of such professional, technical, clerical and other personnel as may be deemed necessary to enable it to carry out its functions under this compact. The commission may borrow, accept, or contract for the services of personnel from any state of the United

States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

e. Funds necessary to fulfill the powers and duties imposed upon and entrusted to the commission shall be provided as appropriated by the legislatures of the states in accordance with Article IV. The commission may also receive gifts, grants, endowments and other funds 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 commission and expend the same or any income therefrom according to the terms of the gifts, grants, endowments or other funds.

f. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

g. The commission shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules and regulations. The commission shall publish its bylaws, rules and regulations in convenient form and shall file a copy thereof and of any amendment thereto, with the appropriate agency or officer in each of the party states.

## ARTICLE II

### The Commission Membership

a. The commission shall be made up of twelve voting members appointed by the states, as set forth herein, and one non-voting member appointed by the U.S. Secretary of Agriculture.

b. Each state governor shall appoint the members of the commission as provided in the federal Act (three members who reside in the State of Oregon, including one resident of the scenic area, to be appointed by the Governor of Oregon, and three members who reside in the State of Washington, including one resident of the scenic area, appointed by the Governor of Washington).

c. One additional member shall be appointed by the governing body of each of the respective counties of Clark, Klickitat, and Skamania in Washington, and Hood River, Multnomah, and Wasco in Oregon, provided that in the event the governing body of a county fails to make such an appointment, the Governor of the state in which the county is located shall appoint such a member.

d. The terms of the members and procedure for filling vacancies shall all be as set forth in the federal Act.

## ARTICLE III

### Effective Date of Compact and Commission

This compact shall take effect, and the commission may exercise its authorities pursuant to the compact and pursuant to the Columbia River Gorge National Scenic Area Act when it has been ratified by both states



and upon the appointment of four initial members from each state. The date of this compact shall be the date of the establishment of the commission.

#### ARTICLE IV

##### Funding

a. The States of Washington and Oregon hereby agree to provide by separate agreement or statute of each state for funding necessary to effectuate the commission, including the establishment of compensation or expenses of commission members from each state which shall be paid by the state of origin.

b. The commission shall submit to the Governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

c. Subject to appropriation by their respective legislatures, the commission shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the commission.

d. The commission's proposed budget and expenditures shall be apportioned equally between the states.

e. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by the appropriate state auditing official and the report of the audit shall be included in and become a part of the annual report of the commission.

f. The accounts of the commission shall be open at any reasonable time for inspection by the public.

#### ARTICLE V

##### Severability

If any provision of this compact, or its application to any person or circumstance, is held to be invalid, all other provisions of this compact, and the application of all of its provisions to all other persons and circumstances, shall remain valid, and to this end the provisions of this compact are severable.

NEW SECTION. Sec. 2. (1) The governor, the Columbia River Gorge commission, and all state agencies and counties are hereby directed and provided authority to carry out their respective functions and responsibilities in accordance with the compact executed pursuant to section 1 of this act, the Columbia River Gorge National Scenic Area Act, and the provisions of this chapter.

(2) The governor shall appoint three members of the Columbia River Gorge commission who reside in the state of Washington, at least one of whom shall be a resident of the scenic area as defined in the act.

(3) (a) The governing bodies of Clark, Klickitat, and Skamania counties shall each appoint one member of the Columbia River Gorge commission.

(b) In the event the governing body of a county fails to make the appointments prescribed in section 5(a)(c)(1) of that act and (a) of this subsection, the governor shall appoint any such member.

(4) Each member appointed by the governor shall be subject to confirmation by the Washington state senate and shall serve at the pleasure of the governor until their term shall expire or until a disqualifying change in residence.

(5) Of those members appointed to the Columbia River Gorge commission by the governing body of the counties of Clark, Klickitat, and Skamania, the governor shall designate one member to serve for a term of five years and one to serve for six years. Of those members appointed directly by the governor pursuant to section 1 of this act, the governor shall designate one to serve a term of five years and one to serve a term of six years. All other members shall serve a period of four years.

Neither the governor nor governing body of any of the counties may appoint federal, state, or local elected or appointed officials as members to the Columbia River Gorge commission.

Vacancies shall be filled in accordance with the appointing procedure for the commission member occupying the seat before its vacancy.

NEW SECTION. Sec. 3. Members of the Columbia River Gorge commission appointed for Washington shall receive compensation for their services pursuant to RCW 43.03.240, and shall be eligible to receive a subsistence allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060, and regulations adopted pursuant thereto.

NEW SECTION. Sec. 4. All files, records, and other assets of the Columbia River Gorge commission constituted in accordance with chapter 43.97 RCW, including any remaining funds from prior appropriations, shall be transferred to the Columbia River Gorge commission created pursuant to this act and the Compact.

NEW SECTION. Sec. 5. A new section is added to chapter 35.22 RCW to read as follows:

With respect to the National Scenic Area, as defined in the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the exercise of any power or authority by a city pursuant to this chapter shall be subject to and in conformity with the requirements of chapter 43.97 RCW, including the

Interstate Compact adopted by section 1 of this act, and with the management plan regulations and ordinances adopted by the Columbia River Gorge commission pursuant to the Compact.

**NEW SECTION.** Sec. 6. A new section is added to chapter 35.63 RCW to read as follows:

With respect to the National Scenic Area, as defined in the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the exercise of any power or authority by a county or city pursuant to this chapter shall be subject to and in conformity with the requirements of chapter 43.97 RCW, including the Interstate Compact adopted by section 1 of this act, and with the management plan regulations and ordinances adopted by the Columbia River Gorge commission pursuant to the Compact.

**NEW SECTION.** Sec. 7. A new section is added to chapter 35A.63 RCW to read as follows:

With respect to the National Scenic Area, as defined in the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the exercise of any power or authority by a city pursuant to this chapter shall be subject to and in conformity with the requirements of chapter 43.97 RCW, including the Interstate Compact adopted by section 1 of this act, and with the management plan regulations and ordinances adopted by the Columbia River Gorge commission pursuant to the Compact.

**NEW SECTION.** Sec. 8. A new section is added to chapter 36.32 RCW to read as follows:

With respect to the National Scenic Area, as defined in the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the exercise of any power or authority by a county pursuant to this chapter shall be subject to and in conformity with the requirements of chapter 43.97 RCW, including the Interstate Compact adopted by section 1 of this act, and with the management plan regulations and ordinances adopted by the Columbia River Gorge commission pursuant to the Compact.

**NEW SECTION.** Sec. 9. A new section is added to chapter 36.70 RCW to read as follows:

With respect to the National Scenic Area, as defined in the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the exercise of any power or authority by a county or city pursuant to this chapter shall be subject to and in conformity with the requirements of chapter 43.97 RCW, including the Interstate Compact adopted by section 1 of this act, and with the management plan regulations and ordinances adopted by the Columbia River Gorge commission pursuant to the Compact.

**NEW SECTION.** Sec. 10. A new section is added to chapter 90.58 RCW to read as follows:

With respect to the National Scenic Area, as defined in the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the exercise of any power or

authority by a local government or the department of ecology pursuant to this chapter shall be subject to and in conformity with the requirements of chapter 43.97 RCW, including the management plan regulations and ordinances adopted by the Columbia River Gorge commission pursuant to the Compact.

**NEW SECTION.** Sec. 11. The following acts or parts of acts are each repealed:

- (1) Section 4, chapter 48, Laws of 1975 1st ex. sess., section 1, chapter 132, Laws of 1977 ex. sess. and RCW 43.97.005;
- (2) Section 43.97.010, chapter 8, Laws of 1965 and RCW 43.97.010;
- (3) Section 43.97.020, chapter 8, Laws of 1965, section 1, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.020;
- (4) Section 43.97.030, chapter 8, Laws of 1965, section 2, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.030;
- (5) Section 43.97.040, chapter 8, Laws of 1965, section 3, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.040;
- (6) Section 5, chapter 48, Laws of 1975 1st ex. sess., section 124, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.97.060;
- (7) Section 6, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97-.070;
- (8) Section 7, chapter 48, Laws of 1975 1st ex. sess., section 15, chapter 125, Laws of 1984 and RCW 43.97.080;
- (9) Section 8, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97-.090;
- (10) Section 10, chapter 48, Laws of 1975 1st ex. sess. and RCW 43-.97.900;
- (11) Section 1, chapter 226, Laws of 1981 and RCW 43.97A.010;
- (12) Section 2, chapter 226, Laws of 1981 and RCW 43.97A.020;
- (13) Section 3, chapter 226, Laws of 1981 and RCW 43.97A.030;
- (14) Section 4, chapter 226, Laws of 1981 and RCW 43.97A.040; and
- (15) Section 5, chapter 226, Laws of 1981 and RCW 43.97A.050.

**NEW SECTION.** Sec. 12. Sections 1 through 4 of this act are each added to chapter 43.97 RCW.

**NEW SECTION.** Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 10, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

CHAPTER 500

[Engrossed Substitute House Bill No. 499]

WASTEWATER PERMITS—REVIEW AND MODIFICATION

AN ACT Relating to the issuance or renewal of state and federal wastewater permits; adding a new section to chapter 90.48 RCW; and repealing RCW 90.48.470.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. A new section is added to chapter 90.48 RCW to read as follows:

In order to improve water quality by controlling toxicants in wastewater, the department of ecology shall in issuing and renewing state and federal wastewater discharge permits review the applicant's operations and incorporate permit conditions which require all known, available, and reasonable methods to control toxicants in the applicant's wastewater. Such conditions may include, but are not limited to: (1) Limits on the discharge of specific chemicals, and (2) limits on the overall toxicity of the effluent. 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. In no event shall the discharge of toxicants be allowed that would violate any water quality standard, including toxicant standards, sediment criteria, and dilution zone criteria.

**NEW SECTION.** Sec. 2. Section 1, chapter 249, Laws of 1985 and RCW 90.48.470 are each repealed.

Passed the House April 22, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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CHAPTER 501

[Substitute House Bill No. 1132]

TRI-CITIES—ECONOMIC DIVERSIFICATION

AN ACT Relating to the diversification of the economy of the Tri-Cities; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. (1) The legislature recognizes that the economic base of the Tri-Cities is overly dependent upon congressional appropriations to the nuclear activities on the Hanford reservation. Frequent fluctuations in federal appropriations have resulted in a local economy which is unstable and which has limited flexibility to respond to important shifts in federal policy. Additionally, many jobs in the Tri-Cities area may

be permanently lost when the Hanford N reactor ceases operations. The legislature finds that it is in the best interests of the state and the Tri-Cities area to develop a more balanced and diversified Tri-Cities economy which is better able to meet the long-term employment needs of local citizens.

(2) The department of trade and economic development shall initiate a study to investigate the state's role in the economic diversification of the Tri-Cities economy. The department is authorized to undertake portions of this study by contracting with private firms or through the development of required feasibility studies. The department shall develop the study in conjunction with the department of community development.

(3) The study shall focus on:

(a) The need for expanded higher education capabilities in the Tri-Cities area;

(b) Methods of utilizing the following economic development assets of the Tri-Cities area to diversify the economy:

(i) The large concentration of scientists and engineers;

(ii) An extensive scientific and technological knowledge base;

(iii) The availability of land and real estate;

(iv) The availability of rail, air, and highway transportation; and

(v) Accessibility to outdoor recreational activities;

(c) Methods of addressing the economic development liabilities of the Tri-Cities area, including isolation from major markets, suppliers, and sources of capital;

(d) Potential markets for the Tri-Cities services and products;

(e) The availability of venture capital and other potential funding sources;

(f) The commercialization of federally-developed technology by assisting and promoting the transfer of technology into commercial applications; and

(g) The development of a plan to diversify the industrial base of the Tri-Cities.

(4) The following entities shall be consulted in conducting the study: The Tri-City industrial development council, the administration and faculty of the Tri-City University Center and the Columbia Basin College, the Tri-City visitor and convention bureau, the area chambers of commerce, the area port districts, the cities of Pasco, Kennewick, Richland, West Richland, and Benton City, the United States department of energy, Hanford contractors, the economic development board, the small business export finance center, the small business development corporations established under RCW 28B.30.530, the agricultural community and other relevant state agencies.

(5) The department shall submit a final report to the appropriate standing committees of the legislature no later than January 1, 1988.

**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.

Passed the House April 22, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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## CHAPTER 502

[Substitute Senate Bill No. 5606]

### BUDGET AND ACCOUNTING—REVISIONS

AN ACT Relating to budget and accounting; 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.

Be it enacted by the Legislature of the State of Washington:

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 nonbudgeted, 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. 2 was partially vetoed, see message at end of chapter.

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 a 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.***

\*Sec. 12 was vetoed, see message at end of chapter.

Passed the Senate April 21, 1987.

Passed the House April 17, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

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## CHAPTER 503

[Engrossed Second Substitute House Bill No. 586]

### CHILD ABUSE AND NEGLECT—SERVICES PILOT PROJECT—CASEWORKER STANDARDS—FOSTER PARENT TRAINING—THERAPEUTIC DAY CARE AND TREATMENT—COUNSELING—REPORTING OF ABUSE

AN ACT Relating to child abuse and neglect; amending RCW 9.69.100; adding a new chapter to Title 74 RCW; creating new sections; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. CHILDREN'S PILOT PROJECT. The legislature finds that the protection and positive development of children is paramount to the successful functioning and future of this state.

(1) The purpose of this act is to prevent child abuse and neglect and to promote the delivery of cost-effective child and family services through the establishment of a pilot project in order to guide the state in establishing a comprehensive system of children and family services state-wide by 1990. The department of social and health services shall implement the pilot project.

(2) The goals of the pilot project are:

(a) To demonstrate delivery of a continuum of services for children and families that will maximize problem prevention, early problem intervention and resolution, and family independence while maintaining the physical safety and emotional well-being of the child;

(b) To demonstrate the use of outcome measures to determine the cost-effectiveness of service components and the system as a whole;

(c) To demonstrate that services can be designed to be appropriate, accessible, and sensitive to the needs of all populations within the community, including minority cultures and ethnic groups;

(d) To eliminate fiscal and process barriers where possible in order to increase efficiency in providing services;

(e) To encourage the conceptual development of a continuum of services model to meet the needs of children and families and to maximize and coordinate available federal, state, and local resources;

(f) To involve local communities, schools, private entities, and other state agencies, including the division of mental health of the department of social and health services, in the future assessment and planning of services in an open and formal way; and

(g) To enhance the provision of quality services through a system of workload management.

(3) The pilot project shall be conducted in the following service areas: The Kent children's service office, the Spokane children's service office, and the Chehalis children's service office.

**NEW SECTION.** Sec. 2. CONTINUUM OF SERVICES. (1) A continuum of services shall consist of the following services: Intake, early intervention, service needs assessment, crisis intervention, family support, intensive family support, foster care, group care, reunification, permanency planning, and adoption support.

(2) The pilot project shall assure broad-based community participation by involving local agencies and professionals in initial and continued planning and by funding contracts and other agreements for services from private and community agencies. Prior to the implementation of local contracts and other agreements, the department shall submit the community participation component of the pilot project implementation plan to a community-based children's services advisory group for review and comment. The advisory group may have been created for the purpose of providing ongoing consultation to the pilot program, or it may be an existing community group which consents to provide ongoing consultation throughout the term of the pilot project. Included shall be the contracting with existing services in the community, such as visiting nurses and other home-based services to provide early preventive and intervention services.

(3) In order to provide services in a continuum: (a) Clients shall enter the system at the least intrusive and most cost-effective level of service appropriate to the needs of the client; (b) client service needs shall be frequently assessed to assure that services continue to be at the least intrusive level appropriate to meet the needs of the client; and (c) guidelines for assessment shall be written and consistently applied throughout the project to assure that service levels may only be skipped under these specific guidelines.

(4) 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 community-based services to persons who are determined not to require further state intervention.

**NEW SECTION.** Sec. 3. INFORMATION MANAGEMENT SYSTEM. (1) In order to demonstrate the use of outcome measures, the department of social and health services shall:

(a) Implement at the earliest possible date a management information system for monitoring both baseline and outcome data for this project;

(b) Define and quantify outcomes and determine measurement methods before beginning the descriptive phase of planning;

(c) Collect baseline data as determined by desired outcome measures to include at least the following:

(i) The number of children and families requesting services and a categorization of the problems presented;

(ii) The number of children and families receiving services at each level of service and categorization of the problems presented;

(iii) The number of children and families not receiving services at each level because of service unavailability;

(iv) The average length of stay in each level of foster care;

(v) The average length of stay in each level of group care;

(vi) Documentation of services provided prior to placement;

(vii) If services were not provided prior to placement, documentation of the reason therefor;

(viii) Documentation of services provided during or after placement to assist with reunification;

(ix) If reunification services were not provided during or after placement, documentation of the reason therefor; and

(x) Systematic input from public and private service providers, schools, law enforcement, parents, and children regarding current system functioning;

(d) Set goals, outcomes, and objectives regarding the desired effect of the pilot project as a whole and its individual components; and

(e) Monitor individual service providers and the entire system for progress in meeting goals and objectives.

(2) Information collected under this section shall be maintained for the duration of the pilot project.

(3) The department shall report to the senate and house judiciary committees, the senate and house ways and means committees, the senate human services and corrections committee, and the house social services committee regarding the cost of implementing the management information system prior to implementation.

(4) The department shall adopt rules prescribing standards for the operation of services provided as part of the pilot projects and such other rules

as may be necessary for the administration of sections 1 through 6 of this act.

**\*NEW SECTION. Sec. 4. PILOT PROJECT IMPLEMENTATION.**

(1) The pilot project shall commence on January 1, 1988, and shall terminate December 31, 1989. The department of social and health services shall provide a detailed implementation plan to the legislature by October 15, 1987, *for review and approval by the joint select committee on children and families. During the planning and implementation phases of the pilot project, the department shall report monthly to the joint select committee on its progress.*

(2) The department's implementation plan shall include alternative management models for the pilot project providing for administration of the pilot projects by (a) the local administrator for the courts, (b) the department, (c) a community-based organization, or (d) any combination of these entities.

(3) The implementation plan shall also include a community participation component which describes all contracts and agreements with local agencies and professionals, including the name of the consulting community advisory group required in accordance with section 2(2) of this act.

(4) The implementation plan shall also include criteria and methodology for collecting data necessary for the evaluation in accordance with section 5 of this act.

(5) For purposes of providing services for the pilot projects, the department is authorized to combine funding categories in order to provide for efficient case management to meet the actual needs of children and families.

(6) The department's implementation plan shall also include a proposal for a mechanism establishing a decision-making process when services needed by children and families extend beyond those services available from the division of children and family services.

\*Sec. 4 was partially vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 5. PILOT PROJECT EVALUATION.** *A final evaluation of the pilot projects shall be conducted by an independent agency under a contract with the legislative budget committee, in consultation with the joint select committee on children and family services. The independent contract agency shall participate in the development of criteria and methods for collecting data necessary for the evaluation, as required by section 4 (4) of this act. The evaluation shall include a comparison of pilot outcomes to the performance of children and family services in comparable areas of the state not served by the pilot project. A report containing the final evaluation analysis shall be given to the joint select committee on children and family services by October 1, 1989.*

\*Sec. 5 was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 6. JOINT SELECT COMMITTEE ON CHILDREN.** (1) *There is established a joint select committee on children and family services to be composed of twelve legislators, three appointed by each caucus of the senate and house of representatives, and four lay members, to be appointed by the governor. The chair of the committee shall rotate annually among the legislative members of the majority parties in the senate and house of representatives. A senate member of the committee shall be the first chair.*

(2) *The committee shall have the following functions:*

(a) *To provide oversight in the planning, implementation, and evaluation of the pilot project;*

(b) *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 joint select committee shall submit an initial strategy to the appropriate committees of the legislature by October 1, 1988;*

(c) *In formulating the long-term children's services strategy, the joint select committee 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 committee 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;*

(d) *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 committee shall report to the appropriate legislative committees regarding the need for and feasibility of a state-wide clearinghouse. If the committee 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)(b) of this section shall include consideration of:**

**(a) The evaluation findings of the pilot project regarding maximizing the use of effective existing services and programs through the management and coordination among service providers;**

**(b) The identification of ways to reduce overlapping services and to fill in service gaps through shared service provisions;**

**(c) 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**

**(d) 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 1990.**

\*Sec. 6 was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 7. PILOT PROJECT EXPIRATION. Sections 1 through 6 of this act shall expire December 31, 1989.**

\*Sec. 7 was vetoed, see message at end of chapter.

**NEW SECTION. Sec. 8. CHILDREN'S SERVICES WORKERS—HIRING AND TRAINING.** Caseworkers employed in children services shall meet minimum standards established by the department of social and health services. Comprehensive training for caseworkers shall be completed before such caseworkers are assigned to case-carrying responsibilities without direct supervision. Intermittent, part-time, and standby workers shall be subject to the same minimum standards and training.

**NEW SECTION. Sec. 9. CHILDREN'S SERVICES STAFF TRAINING ACADEMY.** The department of social and health services, in conjunction with other appropriate consultants, shall develop a plan for implementation of a children's services staff training academy. The plan shall make provision for completion of a course of training within the first three months of employment and before workers are assigned to case management duties without direct supervision. Provisions for advanced and ongoing training shall be included in the plan. The department of social and health services shall submit a plan to the legislature by November 1, 1987. The report shall include the estimated cost of funding the academy.

**\*NEW SECTION. Sec. 10. CASEWORKER SUPPORT.** The department of social and health services shall, within funds appropriated for this purpose, hire twenty-one full-time equivalent clerical staff to support child

*protective services caseworkers in fulfilling their responsibilities. The department shall provide child protective services caseworkers with dictation machines and word processing and personal computer equipment that will increase productivity by reducing the time spent processing paperwork.*

\*Sec. 10 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 11. FOSTER CARE. The department shall, within funds appropriated for this purpose, provide foster parent training as an ongoing part of the foster care program. The department shall contract for a variety of support services to foster parents to reduce isolation and stress, and to increase skills and confidence.

NEW SECTION. Sec. 12. MULTIDISCIPLINARY TEAMS. The department shall establish and maintain one or more multidisciplinary teams in each state region of the division of children and family services. The team shall consist of at least four persons, selected by the department, from professions which provide services to abused and neglected children and/or the parents of such children. The teams shall be available for consultation on all cases where a risk exists of serious harm to the child and where there is dispute over whether out-of-home placement is appropriate.

NEW SECTION. Sec. 13. THERAPEUTIC DAY CARE AND TREATMENT. The department shall, within funds appropriated for this purpose, provide therapeutic day care and day treatment to children who have been abused or neglected and meet program eligibility criteria.

NEW SECTION. Sec. 14. COUNSELING REFERRALS. The department of social and health services shall inform victims of child abuse and neglect and their families of the availability of state-supported counseling through the crime victims' compensation program, community mental health centers, domestic violence and sexual assault programs, and other related programs. The department shall assist victims with referrals to these services.

\*NEW SECTION. Sec. 15. EARLY INTERVENTION SERVICES. *The department of social and health services shall, within funds appropriated for this purpose, contract for forty-five full-time equivalent public health nurses and an equivalent number of homemakers as defined in RCW 74.08-.530 to provide prevention and early intervention services and assist in the investigation of low-risk child abuse and neglect referrals.*

\*Sec. 15 was vetoed, see message at end of chapter.

\*NEW SECTION. Sec. 16. FINANCIAL DETERMINATION. *The department of social and health services shall, within funds appropriated for this purpose, establish a Title IV B and E of the social security act eligibility determination program. The program shall ensure that every child in foster care eligible for federal financial participation is correctly identified.*

\*Sec. 16 was vetoed, see message at end of chapter.

***\*NEW SECTION. Sec. 17. ADDITIONAL ATTORNEYS. The department of social and health services shall, within funds appropriated for this purpose, provide six additional full-time equivalent assistant attorneys general to provide legal services for child protective services cases.***

\*Sec. 17 was vetoed, see message at end of chapter.

Sec. 18. Section 8, chapter 49, Laws of 1970 ex. sess. as amended by section 21, chapter 443, Laws of 1985 and RCW 9.69.100 are each amended to read as follows:

(1) ~~((Whoever, having witnessed))~~ A person who witnesses the actual commission of:

(a) A violent offense as defined in RCW 9.94A.030((+17)) or preparations for the commission of such an offense((, or the actual commission of a felony sexual offense or an attempted felony sexual offense, does not as soon as reasonably possible notify the prosecuting attorney, or law enforcement, medical assistance, or other public officials of the state of Washington having jurisdiction over the matter, shall be guilty of a gross misdemeanor: PROVIDED, That nothing in this section shall be so construed to affect existing privileged relationships as provided by law. PROVIDED FURTHER, That the duty to notify a person or agency specified in this subsection shall be met if a person notifies or attempts to provide such notice by telephone or any other means, as soon as reasonably possible.

(2) ~~For the purposes of this section, "felony sexual offense" means a sexual offense constituting a class B felony under chapter 9.68A, 9A.44, or 9A.64 RCW);~~

(b) A sexual offense against a child or an attempt to commit such a sexual offense; or

(c) An assault of a child that appears reasonably likely to cause substantial bodily harm to the child, shall as soon as reasonably possible notify the prosecuting attorney, law enforcement, medical assistance, or other public officials.

(2) This section shall not be construed to affect privileged relationships as provided by law.

(3) The duty to notify a person or agency under this section is met if a person notifies or attempts to provide such notice by telephone or any other means as soon as reasonably possible.

(4) Failure to report as required by subsection (1) of this section is a gross misdemeanor. However, a person is not required to report under this section where that person has a reasonable belief that making such a report would place that person or another family or household member in danger of immediate physical harm.

***NEW SECTION. Sec. 19. Section headings as used in this chapter do not constitute any part of the law.***



**NEW SECTION.** Sec. 20. Sections 8, 10 through 14, and 19 of this act shall constitute a new chapter in Title 74 RCW.

**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.

**NEW SECTION.** Sec. 22. 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.

Passed the House April 23, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to a portion of section 4(1), sections 5, 6, 7, 10, 15, 16 and 17, Second Substitute House Bill No. 586, entitled:

"AN ACT Relating to child abuse and neglect."

This legislation is a direct response to the need for improved and coordinated services to protect our children from abuse and neglect. I heartily support the thrust of this bill and want to ensure its component parts do not duplicate other bills.

Section 6 establishes a joint select committee on children and family services to provide oversight over a comprehensive children's services pilot project and to develop a long-term children's services strategy for the state. This is similar to the objectives required in Substitute House Bill No. 813, which establishes the Governor's Commission on Children. Therefore, this section is duplicative and unnecessary.

Since I have vetoed section 6, which would create the joint select committee on children and family services, I have vetoed a portion of section 4(1) and section 5 since these references to the joint select committee on children and family services have become unnecessary. The bill still instructs the Department of Social and Health Services to provide a detailed implementation plan for the pilot projects to the Legislature.

Section 7 requires the pilot projects to expire on December 31, 1989. This duplicates the termination date in section 4. Therefore, I have vetoed section 7.

Sections 10, 15, 16 and 17 designate specific expenditures for child protective services. I am supportive of the ideas behind these improvement measures but the hiring of specific numbers of attorneys and caseworkers, for example, would be more appropriately found in a budget bill. In addition, with the final passage of the 1987-89 biennium budget having occurred, there will be funds for some of these enhancements. Therefore, I have vetoed sections 10, 15, 16 and 17.

With the exceptions of a portion of section 4(1), sections 5, 6, 7, 10, 15, 16 and 17, Second Substitute House Bill No. 586 is approved."

## CHAPTER 504

[Second Substitute Senate Bill No. 5555]

## STATE INFORMATION TECHNOLOGY—MANAGEMENT AND PLANNING

AN ACT Relating to state information technology; 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.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. It is the purpose of this chapter to provide for coordinated planning and management of state information services. The legislature recognizes that information systems, telecommunications, equipment, software, and services must satisfy the needs of end users and that many appropriate and cost-effective alternatives exist for meeting these needs, such as shared mainframe computing, shared telecommunications services, local area networks, departmental minicomputers, and microcomputers.

**NEW SECTION.** Sec. 2. It is the intent of the legislature that:

(1) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;

(2) The primary responsibility for the management and use of information, information systems, equipment, software, and services rests with each agency;

(3) Resources be used in the most efficient manner and services be shared when cost-effective;

(4) A structure be created (a) to plan and manage telecommunications and computing networks, (b) to increase agencies' awareness of information sharing opportunities, and (c) to assist agencies in implementing such possibilities;

(5) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;

(6) The state improve recruitment, retention, and training of professional staff; and

(7) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process.

Sec. 3. Section 2, chapter 115, Laws of 1967 ex. sess. as amended by section 3, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.020 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) (~~"Authority" means the Washington state data processing authority created by RCW 43.105.032~~) "Department" means the department of information services;

(2) (~~"Automatic data processing" means that method of processing information using punch card (EAM) and/or electronic (EDP) equipment and includes data communication devices used in connection with automatic data processing equipment for the transmission of data;~~

~~(3)) "Board" means the information services board;~~

(3) "Local governments ((agencies))" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the ((executive)) director of the ((authority)) department;

(5) (~~"State agency" means all offices, departments, agencies, institutions, and commissions of state government;~~

~~(6) "System" means an organized collection of men, machines, and methods to accomplish a specific objective;~~

~~(7) "Applications system" means a computerized system which accomplishes a specific objective (i.e., a payroll system or an inventory system))~~

"Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Proprietary software" means that software offered for sale or license.

Sec. 4. Section 5, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 86, chapter 287, Laws of 1984 and RCW 43.105.032 are each amended to read as follows:

There is hereby created the Washington state ((data processing authority consisting of eleven)) information services board. The board shall be composed of nine members. Seven members shall be appointed by the governor, and serving at ((his)) the governor's pleasure((The governor shall make such appointments within thirty days after April 25, 1973:)) as follows: Three representatives from cabinet agencies, one representative from higher education, one representative from a noncabinet executive agency, and two representatives from the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall represent the legislative branch and shall be selected by the president of the senate and the speaker of the house of representatives. These members shall constitute the membership of the board with full voting rights. The director shall be an ex officio, nonvoting member of the board. The board shall select a chairperson from among its members.

Vacancies shall be filled in the same manner that the original appointments were made.

A majority of the members of the board shall constitute a quorum for the transaction of business.

Members of the ((authority)) board shall be compensated for service on the ((authority)) board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

((The authority shall elect a chairman from among its members and shall appoint an executive director within sixty days after April 25, 1973; subject to confirmation by a majority vote of the senate:))

Sec. 5. Section 6, chapter 219, Laws of 1973 1st ex. sess. as amended by section 115, chapter 3, Laws of 1983 and RCW 43.105.041 are each amended to read as follows:

The ((authority)) board shall have the following powers and duties related to information services:

((1) To study, organize, and/or develop automated data processing systems to serve interagency and intraagency needs of state agencies, to provide services of said nature, and to require the development of interagency automated data processing systems;

(2) To examine the desirability of removing common application systems, such as the payroll application system, from the individual agencies and assigning such functions to a single state agency;

~~(3) To make contracts, and to hire employees and consultants necessary or convenient for the purposes of this chapter, and fix their compensation; to enter into appropriate agreements for the utilization of state agencies and, where deemed feasible by the state data processing authority, of local government agencies, and their facilities, services, and personnel in developing and coordinating plans and systems, or other purposes of this chapter, to contract with any and all other governmental agencies for any purpose of this chapter including but not limited to mutual furnishing or utilization of facilities and services or for interagency, intergovernmental, or interstate cooperation in the field of data processing and communications;~~

~~(4)) (1) To develop ((and publish)) standards ((to implement the purposes of this chapter, including but not limited to standards for the coordinated acquisition and maintenance of data processing)) governing the acquisition and disposition of equipment ((and services, requirements for the furnishing of information and data concerning existing data processing systems by state offices, departments, and agencies and local government agencies, where deemed feasible by the state data processing authority, and standards and regulations to establish and maintain the confidential nature of information insofar as such)), proprietary software and purchased services, and confidentiality ((may be necessary for individual privacy and the protection of private rights in connection with data processing and communications)) of computerized data;~~

~~((5)) (2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain ((automatic data processing)) equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain ((automatic data processing)) equipment, proprietary software, and purchased services: PROVIDED, ((That in exercising such authority, due consideration and effect shall be given to the overall purpose of this chapter and the statutory obligations, total management, and needs of each agency: PROVIDED, FURTHER,)) That, agencies and institutions of state government are expressly prohibited from acquiring ((data processing)) or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of ((automatic data processing)) equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch;~~

~~((6) To require the consolidation of computing resources into central data processing service center or to establish central data processing service centers;~~

~~(7)) (3) To develop ((and maintain all)) state-wide or interagency ((data processing)) technical policies, standards, and procedures;~~

~~((8) To delegate to a single agency the responsibility for maintaining interagency applications systems;~~

~~(9) To provide to state agencies such automatic data processing technical training as is necessary or convenient to implement standardization of automatic data processing techniques;~~

~~(10) To carry out the tasks assigned in RCW 43.105.043 and to report periodically and as requested by the legislature to the legislature on its progress;~~

~~(11) To enact such rules and regulations as may be necessary to carry out the purposes of this chapter))~~ (4) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary.

(5) To develop and implement a process for the resolution of appeals:

(a) By vendors concerning the conduct of an acquisition process by an agency or the department; or

(b) By a customer agency concerning the provision of services by the department or by other state agency providers;

(6) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(a) Planning, management, control, and use of information services;

(b) Training and education; and

(c) Project management;

(7) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director;

(8) To review and approve that portion of the department's budget requests that provides for support to the board; and

(9) To abolish the use of service center designations and establish necessary policies and standards to allow Washington State University and the department of transportation to continue the practice of providing information services to other agencies and local governments.

NEW SECTION. Sec. 6. A new section is added to chapter 43.105 RCW to read as follows:

There is created the department of information services. The department shall be headed by a director appointed by the governor with the consent of the senate. The director shall serve at the governor's pleasure and shall receive such salary as determined by the governor. The director shall:

(1) Appoint a confidential secretary and such deputy and assistant directors as needed to administer the department. However, the total number of deputy and assistant directors shall not exceed four;

(2) Maintain and fund a planning component separate from the services component of the department;

(3) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter;

(4) Report to the governor and the board any matters relating to abuses and evasions of this chapter; and

(5) Recommend statutory changes to the governor and the board.

NEW SECTION. Sec. 7. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the department of information services to up to twelve positions in the planning component involved in policy development and/or senior professionals.

NEW SECTION. Sec. 8. A new section is added to chapter 43.105 RCW to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to (a) the review of agency acquisition plans and requests and (b) implementation of state-wide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to: Telecommunications services for voice, data, and video; mainframe computing services; support for departmental and microcomputer evaluation, installation, and use; equipment acquisition assistance, including leasing, brokering, and establishing master contracts; facilities management services for information technology equipment, equipment repair, and maintenance service; office automation services; system development services; and training. These services are for discretionary use by customers and customers may elect other alternatives for service if these 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. 7. 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.**

**\*Sec. 23 was vetoed, see message at end of chapter.**

**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.

Passed the Senate April 25, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

## CHAPTER 505

[Engrossed Substitute House Bill No. 25]

### STATE GOVERNMENT REPORTS AND PUBLICATIONS

AN ACT Relating to state government; amending RCW 1.30.040, 9.46.090, 13.40.210, 18.130.310, 19.02.040, 19.27.070, 27.34.220, 28A.58.090, 28B.04.070, 28B.10.863, 28B.19.050, 28B.20.382, 28B.30.537, 28B.50.070, 28C.04.550, 34.04.040, 34.04.280, 36.78.070, 39.19.030, 39.58.085, 39.84.090, 39.86.070, 41.50.050, 43.19.19362, 43.19.538, 43.19.660, 43.21A.130, 43.21F.045, 43.31.135, 43.59.130, 43.63A.060, 43.63A.078, 43.63A.220, 43.88.090, 43.88.160, 43.88.510, 43.121.090, 43.150.060, 43.155.070, 43.155.080, 43.160.090, 43.210.040, 43.220.060, 44.28.100, 44.48.100, 46.23.030, 47.01.101, 47.01.141, 47.05.021,

47.26.160, 47.60.470, 48.02.170, 48.02.190, 49.60.100, 66.08.028, 67.70.050, 70.39.130, 70.48-.060, 70.94.053, 70.94.820, 70.120.140, 70.123.060, 70.146.030, 71.24.155, 72.01.320, 72.09-.160, 72.33.125, 74.13.031, 74.13.036, 75.08.020, 75.50.050, 75.52.040, 76.56.050, 77.04.110, 79.01.744, 80.01.090, 80.36.380, 82.01.120, 84.36.037, 90.03.247, 90.54.090, 43.21G.040, 43-.52.378, and 43.200.142; adding a new section to chapter 40.06 RCW; creating a new section; and repealing RCW 43.52.379, 28C.04.470, 38.52.035, 43.01.140, 43.10.100, 43.30.200, 43-.31.385, 43.56.030, 43.165.110, 43.168.080, 43.170.050, 43.190.100, 48.31.250, 50.63.100, 71-.05.600, 72.60.280, 75.48.090, 84.34.057, 84.41.140, 90.54.070, and 51.32.097.

Be it enacted by the Legislature of the State of Washington:

***\*NEW SECTION. Sec. 1. 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 by state agencies. The system shall include proposed criteria for justifying furniture 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 requests from existing inventory before new purchases are allowed. The report shall include recommended legislation, if appropriate.***

\*Sec. 1 was vetoed, see message at end of chapter.

Sec. 2. Section 4, chapter 183, Laws of 1982 and RCW 1.30.040 are each amended to read as follows:

It shall be the duty of the law revision commission:

(1) To examine the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law, surveying alternative remedies, and recommending needed reforms.

(2) To receive and consider proposed changes in the law recommended by the American law institute, the commissioners for the promotion of uniformity of legislation in the United States, any bar association, or other learned bodies.

(3) To receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(4) To recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state, civil and criminal, into harmony with modern conditions.

(5) To recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the supreme court of the state or the supreme court of the United States.

(6) To promote utilization of sound principles of legal drafting to achieve clarity and precision in legal documents and in the statutory law and administrative rules and regulations.

~~((7) To report its proceedings annually to the legislature on or before January 15, and, if it deems advisable, to accompany its report with proposed legislation to carry out any of its recommendations.))~~

Sec. 3. Section 9, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 139, Laws of 1981 and RCW 9.46.090 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall, from time to time, make reports to the governor and the legislature covering such matters in connection with this chapter as ~~((he))~~ the governor and the legislature may require~~((; and in addition shall prepare and forward to the governor, to be laid before the legislature, a report for the period ending on the thirty-first day of December of 1973, and a report annually thereafter as soon as possible after the close of the fiscal year, which)).~~ These reports shall be ~~((a))~~ public documents and contain such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: PROVIDED, That the commission appointed pursuant to RCW 9.46.040 may conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this chapter and may make recommendations to the legislature as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) the type and amount of tax that ought to be applied to each type of permitted gambling activity; (5) any changes which may be made to the law of this state which further the purposes and policies set forth in RCW 9.46.010 as now law or hereafter amended; and (6) any other matter that the commission may deem appropriate. Members of the commission and its staff may contact the legislature, or any of its members, at any time, to advise it of recommendations of the commission.

Sec. 4. Section 75, chapter 291, Laws of 1977 ex. sess. as last amended by section 1, chapter 287, Laws of 1985 and RCW 13.40.210 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, as now or hereafter amended, set a release or discharge date for each juvenile committed to its custody which shall be within the prescribed range to which a juvenile has been committed. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter: PROVIDED, That days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release ~~((and notify each member of the legislature))~~ at the end of each calendar year if any such early releases have occurred during that year as a result of excessive in-residence population. In no event shall a serious offender, as defined in RCW 13.40.020(1) be granted release under the provisions of this subsection.

(3) Following the juvenile's release pursuant to subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months. Such a parole program shall be mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal may require the juvenile to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address; and (e) refrain from committing new offenses. After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter; and (d) imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day

or for a certain number of days each week with the balance of the days or weeks spent under supervision.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

Sec. 5. Section 23, chapter 279, Laws of 1984 and RCW 18.130.310 are each amended to read as follows:

Subject to RCW 40.07.040, the disciplinary authority shall submit a biennial report to the legislature (~~(on January 1 of each odd-numbered year)~~) on its proceedings during the biennium, detailing the number of complaints made, investigated, and adjudicated and manner of disposition. The report may include recommendations for improving the disciplinary process, including proposed legislation. The department of licensing shall develop a uniform report format.

Sec. 6. Section 4, chapter 319, Laws of 1977 ex. sess. as last amended by section 37, chapter 466, Laws of 1985 and RCW 19.02.040 are each amended to read as follows:

(1) There is hereby created a board of review to provide policy direction to the department of licensing as it establishes and operates the business registration and licensing system. The board of review shall be composed of the following officials or their designees:

- (a) Director, department of revenue;
- (b) Director, department of labor and industries;
- (c) Commissioner, employment security department;
- (d) Director, department of agriculture;
- (e) Director, department of trade and economic development;
- (f) Director, department of licensing;
- (g) Director, office of financial management;
- (h) Chairman, liquor control board;
- (i) Secretary, department of social and health services;
- (j) Secretary of state;
- (k) The governor; and
- (l) As ex officio members:

- (i) The president of the senate or the president's designee;
- (ii) The speaker of the house or the speaker's designee; and
- (iii) A representative of a recognized state-wide organization of employers, representing a large cross section of the Washington business community, to be appointed by the governor.

(2) The governor shall be the chairperson. In the governor's absence, the secretary of state shall act as chairperson.

(3) The board shall meet at the call of the chairperson at least semi-annually or at the call of a member to:

- (a) Establish interagency policy guidelines for the system;
- (b) Review the findings, status, and problems of system operations and recommend courses of action;
- (c) Receive reports from industry and agency task forces;
- (d) Determine in questionable cases whether a specific license is to be included in the master license system;
- (e) Review and make recommendations on rules proposed by the business license center and any amendments to or revisions of the center's rules.

~~((4) The board shall submit a report to the legislature each biennium identifying the licenses that the board believes should be added to the list of those processed under the master license system.))~~

Sec. 7. Section 7, chapter 96, Laws of 1974 ex. sess. as last amended by section 11, chapter 360, Laws of 1985 and RCW 19.27.070 are each amended to read as follows:

There is hereby established a state building code council to be appointed by the governor.

(1) The state building code council shall consist of fifteen members, two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include an employee of the office of the insurance commissioner and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. ~~((The board shall report annually to the governor and the legislature on the operation and administration of this chapter. The report shall include a summary of all council decisions relating to updates or amendments to the codes.))~~ The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected



official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of community development shall provide administrative and clerical assistance to the building code council.

Sec. 8. Section 12, chapter 91, Laws of 1983 as last amended by section 11, chapter 266, Laws of 1986 and RCW 27.34.220 are each amended to read as follows:

The director or the director's designee is authorized:

(1) To promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Washington state history, architecture, archaeology, and culture, and to prepare comprehensive state-wide historic surveys and plans and research and evaluation of surveyed resources for the preparation of nominations to the state and national registers of historic places, in accordance with criteria approved by the advisory council established under RCW 27.34.250. The nominations shall comply with any standards and regulations promulgated by the United States secretary of the interior for the preservation, acquisition, and development of such properties.

(2) To establish a program of matching grants-in-aid to public agencies, public or private organizations, or individuals for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington state history, architecture, archaeology, and culture.

(3) To promote historic preservation efforts throughout the state, including private efforts and those of city, county, and state agencies.

(4) To enhance the effectiveness of the state preservation program through the initiation of legislation, the use of varied funding sources, the creation of special purpose programs, and contact with state, county, and city officials, civic groups, and professionals.

(5) To spend funds, subject to legislative appropriation and the availability of funds, where necessary to assist the Indian tribes of Washington state in removing prehistoric human remains for scientific examination and reburial, if the human remains have been unearched inadvertently or through vandalism and if no other public agency is legally responsible for their preservation.

(6) To consult with the governor and the legislature on issues relating to the conservation of the man-made environment and their impact on the well-being of the state and its citizens. ~~((The department shall submit periodic reports of its activities under this chapter to the governor and the legislature.))~~

(7) To charge fees for professional and clerical services provided by the office.

(8) To adopt such rules, in accordance with chapter 34.04 RCW, as are necessary to carry out RCW 27.34.200 through ~~((27.34.290))~~ 27.34.280.

Sec. 9. Section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 137, Laws of 1986 and RCW 28A.58.090 are each amended to read as follows:

Every school district board of directors, being accountable to the citizens within its district as to the education offered to the students therein, shall, based on the timeline established by the superintendent of public instruction, develop a program identifying student learning objectives for their district in all courses of study included in the school district programs. The school district must evidence community participation in defining the objectives of such a program. The program of student learning objectives shall assure that the district's resources in the educational program, such as money, facilities, time, materials and personnel, are used so as to provide both economies in management and operation, and quality education in all subject areas and courses. The learning objectives shall be measurable as to the actual student attainment; student attainment shall be locally assessed annually. The student learning objectives program shall be reviewed at least every two years. However, a school district may instead provide for the periodic review of all or a part of its student learning objectives program in accordance with the time schedule the district has established for the periodic review of curriculum or the periodic review and selection of textbooks, or in accordance with the time schedule for self-study as provided under RCW 28A.58.085, if and to the extent the curriculum or textbook review processes include the review or self-study of the district's student learning objectives program. Periodic review shall take place at least every seven years. In developing and reviewing the learning objectives, districts shall give specific attention to improving the depth of course content within courses and in coordinating the sequence in which subject matter is presented.

The superintendent of public instruction shall review implementation of the learning objectives law biennially ~~((and shall submit a report of such review to the legislature on or before January 1 of each odd-numbered year))~~.

The state board of education shall examine the programs in each school district in the state for reasons of program approval as required in accordance with RCW 28A.41.130, as now or hereafter amended.

School districts may obtain assistance in carrying out their duties under this section from the educational service district of which they are a part.

Sec. 10. Section 7, chapter 73, Laws of 1979 as last amended by section 41, chapter 370, Laws of 1985 and RCW 28B.04.070 are each amended to read as follows:

Subject to RCW 40.07.040, the board shall submit to the legislature a biennial evaluation ~~((in January of each even-numbered year))~~ through 1990. The evaluations may include recommendation for future programs as determined by the board.

Sec. 11. Section 4, chapter 343, Laws of 1985 and RCW 28B.10.863 are each amended to read as follows:

The governing board or its designees shall be responsible for soliciting and receiving gifts to be used as matching funds. Each state four-year institution of higher education shall have the responsibility for the maintenance and investment of the endowed funds and for the administration of the program. ~~((Each institution shall include in a biennial report to the legislature information concerning collection and investment of matching gifts and the establishment of professorships.))~~

Sec. 12. Section 5, chapter 57, Laws of 1971 ex. sess. as amended by section 9, chapter 87, Laws of 1980 and RCW 28B.19.050 are each amended to read as follows:

(1) Any rules adopted after September 1, 1971 shall be filed forthwith with the office of the code reviser. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under RCW 28B.19.040 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

~~((3) The code reviser shall report to each regular session of the legislature during an odd-numbered year on the state of compliance of the institutions of higher education with this section. For this purpose, all institutions of higher education shall supply the code reviser with such information as he may request.))~~

Sec. 13. Section 1, chapter 174, Laws of 1974 ex. sess. as last amended by section 10, chapter 87, Laws of 1980 and RCW 28B.20.382 are each amended to read as follows:

Until authorized and empowered to do so by statute of the legislature, the board of regents of the university, with respect to that certain tract of land in the city of Seattle originally known as the "old university grounds"

and more recently known as the "Metropolitan Tract" and any land contiguous thereto, shall not sell said land or any part thereof or any improvement thereon, or lease said land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term ending more than sixty years beyond midnight, December 31, 1980. Any sale of said land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of said land or any part thereof or any improvement thereon for a term ending more than sixty years after midnight, December 31, 1980, made or attempted to be made by the board of regents shall be null and void unless and until the same has been approved or ratified and confirmed by legislative act.

The board of regents shall have power from time to time to lease said land, or any part thereof or any improvement thereon for a term ending not more than sixty years beyond midnight, December 31, 1980: PROVIDED, That the board of regents shall make a full, detailed report of all leases and transactions pertaining to said land or any part thereof or any improvement thereon to ~~((each regular session of the legislature))~~ the legislative budget committee, including one copy to the staff of the committee, during an odd-numbered year: PROVIDED FURTHER, That any and all records, books, accounts and/or agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents and/or the ways and means committees of the senate or ~~((the appropriations committee of))~~ the house of representatives or the legislative budget committee or any successor ~~((committee of either))~~ committees. It is not intended by this proviso that unrelated records, books, accounts and/or agreements of lessees, sublessees or related companies be open to such inspection.

Sec. 14. Section 2, chapter 57, Laws of 1984 as amended by section 2, chapter 39, Laws of 1985 and RCW 28B.30.537 are each amended to read as follows:

The IMPACT center shall:

(1) Coordinate the teaching, research, and extension expertise of the college of agriculture and home economics at Washington State University to assist in:

(a) The design and development of information and strategies to expand the long-term international markets for Washington agricultural products; and

(b) The dissemination of such information and strategies to Washington exporters, overseas users, and public and private trade organizations;

(2) Research and identify current impediments to increased exports of Washington agricultural products, and determine methods of surmounting those impediments and opportunities for exporting new agricultural products and commodities to foreign markets;

(3) Prepare curricula to present and distribute information concerning international trade in agricultural commodities and products to students, exporters, international traders, and the public;

(4) Provide high-quality research and graduate education and professional nondegree training in international trade in agricultural commodities in cooperation with other existing programs;

(5) Ensure that activities of the center adequately reflect the objectives for the state's agricultural market development programs established by the department of agriculture as the lead state agency for such programs under chapter 43.23 RCW;

(6) Link itself through cooperative agreements with the center for international trade in forest products at the University of Washington, the state department of agriculture, the state department of ~~((commerce))~~ trade and economic development, Washington's agriculture businesses and associations, and other state agency data collection, processing, and dissemination efforts; and

(7) Subject to RCW 40.07.040, report biennially to the governor and the legislature ~~((December 1 of each year))~~ on the IMPACT center, state agricultural commodities marketing programs, and the center's success in obtaining nonstate funding for its operation.

Sec. 15. Section 28B.50.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 130, Laws of 1986 and RCW 28B.50.070 are each amended to read as follows:

The governor shall make the appointments to the college board.

The college board shall organize, adopt a seal, and adopt bylaws for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such bylaws. Annually the board shall elect a chairperson and vice chairperson; all to serve until their successors are appointed and qualified. The college board shall at its initial meeting fix a date and place for its regular meeting. Five members shall constitute a quorum, and no meeting shall be held with less than a quorum present, and no action shall be taken by less than a majority of the college board.

Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the college board's established offices in Olympia, but whenever the convenience of the public or of the parties may be promoted, or delay or expenses may be prevented, it may hold its meetings, hearings or proceedings at any other place designated by it. Subject to RCW 40.07.040, the college board shall transmit a report in writing to the governor ~~((each year))~~ biennially which report shall contain such information as may be requested by the governor. The fiscal year of the college board shall conform to the fiscal year of the state.

Sec. 16. 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 shall report on the results and effectiveness of this award program to the legislature and the governor on or before January 15 of each odd-numbered year. The 1987 report shall include an evaluation of the effects of expanding the tuition and fee waiver period from one to two years:))~~

Sec. 17. Section 4, chapter 234, Laws of 1959 as amended by section 11, chapter 87, Laws of 1980 and RCW 34.04.040 are each amended to read as follows:

(1) Each agency shall file forthwith in the office of the code reviser a certified copy of all rules now in effect and hereafter adopted, except the rules contained in tariffs filed with or published by the Washington utilities and transportation commission. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under RCW 34.04.030 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

~~((3) The code reviser shall report to each regular session of the legislature during an odd-numbered year on the state of compliance of the agencies with this section. For this purpose, all agencies shall supply the code reviser with such information as he may request:))~~

Sec. 18. Section 4, chapter 221, Laws of 1982 and RCW 34.04.280 are each amended to read as follows:

(1) By November 1, 1982, and each year thereafter, each agency shall provide the office of financial management with a document containing: (a) A list citing the rules identified pursuant to RCW 34.04.270 and the actions, if any, taken by the agency head to change or eliminate the rules; and (b) a list of those rules which cannot be changed or eliminated without conflicting with the statutes authorizing, or dealing with, the rules and a list of such statutes.

(2) The office of financial management shall compile the documents submitted under subsection (1) of this section ~~((and by January 1, 1983, and each year thereafter, shall provide the compilation to the speaker of the house of representatives and the president of the senate))~~.

Sec. 19. Section 7, chapter 120, Laws of 1965 ex. sess. as last amended by section 19 chapter 49, Laws of 1983 1st ex. sess. and RCW 36.78.070 are each amended to read as follows:

The county road administration board shall:

(1) Establish by rule, standards of good practice for county road administration;

(2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;

(3) Receive and review reports from counties and reports of the county road administration engineer to determine compliance with legislative directives and the standards of good practice adopted by the board;

(4) Report annually on the first day of July to the state department of transportation(;;) and to the chairs of the legislative transportation committee(;;) and the house and senate transportation committees on the status of county road administration in each county, including one copy to the staff of each of the committees. The annual report shall contain recommendations for improving administration of the county road programs;

(5) Administer the rural arterial program established by chapter 36.79 RCW.

**\*Sec. 20. 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:***

***(1) Develop, plan, and implement programs to provide an opportunity for participation by qualified minority and women-owned 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 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 businesses in all state agency and educational institution contracts;***

***(4) Establish annual overall goals for participation by qualified minority and women-owned 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;**

**(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; (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 implementing this chapter)).~~**

\*Sec. 20 was vetoed, see message at end of chapter.

Sec. 21. Section 2, chapter 160, Laws of 1986 and RCW 39.58.085 are each amended to read as follows:

With the written approval of the commission, state and local governmental entities may establish demand accounts in out-of-state and alien banks in an aggregate amount not to exceed one million dollars. No single governmental entity shall be authorized to hold more than fifty thousand dollars in one demand account.

The governmental entities establishing such demand accounts shall be solely responsible for their proper and prudent management and shall bear total responsibility for any losses incurred by such accounts. Accounts established under the provisions of this section shall not be considered insured by the commission.

The state auditor shall annually monitor compliance with this section and the financial status of such demand accounts ~~((and report the findings to the appropriate committee of the legislature.))~~

Sec. 22. Section 9, chapter 300, Laws of 1981 as amended by section 46, chapter 466, Laws of 1985 and RCW 39.84.090 are each amended to read as follows:

(1) Prior to issuance of any revenue bonds, each public corporation shall submit a copy of its enabling ordinance and charter, a description of any industrial development facility proposed to be undertaken, and the basis for its qualification as an industrial development facility to the department of trade and economic development.

(2) If the industrial development facility is not eligible under this chapter, the department of trade and economic development shall give notice to the public corporation, in writing and by certified mail, within twelve working days of receipt of the description.



(3) The department of trade and economic development shall report annually through 1989 to the ~~((legislature))~~ chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, and to the governor on the amount of capital investment undertaken under this chapter and the amount of permanent employment reasonably related to the existence of such industrial development facilities.

(4) The department of trade and economic development shall provide such advice and assistance to public corporations and municipalities which have created or may wish to create public corporations as the public corporations or municipalities request and the department of trade and economic development considers appropriate.

**\*Sec. 23. Section 22, chapter 446, Laws of 1985 and RCW 39.86.070 are each amended to read as follows:**

***The department shall report annually through 1991 at the start of each annual legislative session to the ~~((legislature))~~ chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, and to the governor on the allocations of the state ceiling made during the previous year.***

**\*Sec. 23 was vetoed, see message at end of chapter.**

Sec. 24. Section 7, chapter 105, Laws of 1975-'76 2nd ex. sess. as last amended by section 33, chapter 3, Laws of 1981 and RCW 41.50.050 are each amended to read as follows:

The director shall:

(1) Have the authority to organize the department into not more than two divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department and inspect and audit the files and records as deemed necessary;

(3) Employ personnel to carry out the general administration of the department;

(4) Submit an annual written report of the activities of the department to the governor and the ~~((legislature))~~ chairs of the appropriate legislative committees with one copy to the staff of each of the committees, including recommendations for statutory changes the director believes to be desirable;

(5) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.04 RCW.

Sec. 25. Section 2, chapter 270, Laws of 1977 ex. sess. as amended by section 3, chapter 188, Laws of 1985 and RCW 43.19.19362 are each amended to read as follows:

There is hereby created a risk management office within the department of general administration. The director of general administration shall

implement the risk management policy in RCW 43.19.19361 through the risk management office. The director of general administration shall appoint a risk manager to supervise the risk management office. The risk management office shall make recommendations when appropriate to state agencies on the application of prudent safety, security, loss prevention, and loss minimization methods so as to reduce or avoid risk or loss. The director of general administration shall submit a risk management report biennially to the governor, with ~~((a copy))~~ copies to the chairs of the standing committees having jurisdiction on judiciary and insurance and the ways and means and state governmental operations committees in the senate and the house of representatives ((on or before January 10, 1986, and January 10 of every even-numbered year thereafter)), including one copy to the staff of each of the committees. The management report shall describe the plans, policies, and operation of the risk management office and shall at least include the following:

- (1) Success in implementing stated goals and objectives for the risk management office;
- (2) Improving loss control and prevention practices;
- (3) Self-insuring risks of loss to state-owned property except where bond indentures or other special considerations require the purchase of insurance;
- (4) Consolidating insurance coverages for properties requiring insurance by bond indenture;
- (5) Establishing an emergency fund to provide assistance to state agencies in the event of serious property loss;
- (6) Self-insuring liability risks to public and professional third parties;
- (7) Funding of the tort claims revolving fund on an actuarial basis;
- (8) A program of excess liability coverage above a selected self-insurance limit;
- (9) Identification of cost savings and cost avoidances achieved during the preceding two years; and
- (10) Appropriate recommendations for new or amended legislation.

Sec. 26. Section 2, chapter 61, Laws of 1982 and RCW 43.19.538 are each amended to read as follows:

(1) The director of general administration, through the state purchasing director, shall develop specifications and adopt rules for the purchase of paper products which will provide for preferential purchase, when feasible, of paper products containing recycled paper. The specifications shall include:

- (a) Giving preference to suppliers of recycled paper products if the bids do not exceed the lowest bid offered by suppliers of paper products that are not recycled.
- (b) Requiring paper products with the highest quantity of postconsumer waste.

(c) Requiring paper products that may be recycled or reused to be purchased if the quality, price, and grade are otherwise equal to other paper products.

(2) The recycled paper content specifications shall be reviewed annually to consider increasing the percentage of recycled paper.

~~((3) The director of general administration shall report to the legislature about the revision of specifications under this section by the first day of each annual legislative session:))~~

Sec. 27. Section 5, chapter 86, Laws of 1977 ex. sess. as last amended by section 12, chapter 158, Laws of 1986 and RCW 43.19.660 are each amended to read as follows:

The operation of the printing and duplicating management center shall be financed by the director of the department of general administration from moneys appropriated by the legislature.

The director of the department of general administration shall be responsible for establishing realistic fees to be charged for services rendered by the printing and duplicating management center. The director of financial management shall approve any fees prior to their implementation. All fees and charges collected for services rendered by the printing and duplicating management center shall be deposited in the general fund. It is the intent of RCW 43.19.640 through 43.19.665 that the fees paid by the agencies and the savings experienced from the activities of the printing and duplicating management center shall more than offset the operating costs of the center.

~~((The director of the department of general administration shall, in December of each calendar year, submit a report of all reported savings by each agency for the year to the senate committee on ways and means and the house committee on appropriations:))~~

Sec. 28. Section 13, chapter 62, Laws of 1970 ex. sess. as amended by section 22, chapter 87, Laws of 1980 and RCW 43.21A.130 are each amended to read as follows:

In addition to any other powers granted the director, ~~((he))~~ the director may undertake studies dealing with all aspects of environmental problems involving land, water, or air: PROVIDED, That in the absence of specific legislative authority, such studies shall be limited to investigations of particular problems, and shall not be implemented by positive action~~((: PROVIDED FURTHER, That the results of all such studies shall be submitted to the legislature prior to thirty days before the beginning of each regular session during an odd-numbered year))~~.

Sec. 29. Section 4, chapter 295, Laws of 1981 and RCW 43.21F.045 are each amended to read as follows:

The energy office shall have the following duties:

(1) The office shall prepare and update contingency plans for implementation in the event of energy shortages or emergencies. The plans shall conform to chapter 43.21G RCW and shall include procedures for determining when these shortages or emergencies exist, the state officers and agencies to participate in the determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during these emergencies. The office shall coordinate the activities undertaken pursuant to the subsection with other persons. The components of plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date. The office shall report to the governor and the legislature on probable, imminent, and existing energy shortages, and shall administer energy allocation and curtailment programs in accordance with chapter 43.21G RCW.

(2) The office shall establish and maintain a central repository in state government for collection of existing data on energy resources, including:

(a) Supply, demand, costs, utilization technology, projections, and forecasts;

(b) Comparative costs of alternative energy sources, uses, and applications; and

(c) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof.

(3) The office shall coordinate federal energy programs appropriate for state-level implementation, carry out such energy programs as are assigned to it by the governor or the legislature, and monitor federally funded local energy programs as required by federal or state regulations.

(4) The office shall develop energy policy recommendations for consideration by the governor and the legislature.

(5) The office shall provide assistance, space, and other support as may be necessary for the activities of the state's two representatives to the Pacific northwest electric power and conservation planning council. To the extent consistent with federal law, the office shall request that Washington's council members request the administrator of the Bonneville power administration to reimburse the state for the expenses associated with the support as provided in the Pacific northwest electric power planning and conservation act (P.L. 96-501).

(6) The office shall cooperate with state agencies, other governmental units, and private interests on energy matters.

(7) The office shall represent the interests of the state in the siting, construction, and operation of nuclear waste storage and disposal facilities.

(8) The office shall serve as the official state agency responsible for coordination of energy-related activities.

(9) No later than December 1, 1982, and by December 1st of each even-numbered year thereafter, the office shall prepare and transmit to the

governor and the legislature a report on energy supply and demand, conservation, and other factors ((including but not limited to:

(a) ~~An overview of the anticipated energy situation in the state and region;~~

(b) ~~An assessment of the energy resources available to the state;~~

(c) ~~A comparison of the costs of available methods to supply and conserve energy;~~

(d) ~~Identification of barriers and constraints to the rapid achievement of conservation and energy resource development, together with proposals for eliminating or reducing the barriers and constraints. The identification shall include but is not limited to statutes and federal, state, or local governmental regulations applicable to the state of Washington;~~

(e) ~~A summary of the major energy conservation and resource development programs underway in the state;~~

(f) ~~An analysis of the means by which the projected annual rate of energy demand growth may be reduced together with an estimate of the amount of reduction to be obtained by each of the means analyzed, and the cost of each option)) as appropriate.~~

(10) The office shall provide support for increasing cost-effective energy conservation, including assisting in the removal of impediments to timely implementation.

(11) The office shall provide support for the development of cost-effective energy resources including assisting in the removal of impediments to timely construction.

(12) The office shall adopt rules, under chapter 34.04 RCW, necessary to carry out the powers and duties enumerated in this chapter.

Sec. 30. Section 17, chapter 466, Laws of 1985 and RCW 43.31.135 are each amended to read as follows:

(1) In addition to other duties and responsibilities assigned under this chapter:

(a) The director may:

(i) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(ii) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter; and

(iii) Accept gifts and grants, whether such grants be of federal or other funds;

(b) The director shall:

(i) Prepare and submit for executive and legislative action thereon the budget for the department;

(ii) ~~((Submit a biennial report to the governor and to the legislature on the activities of the department and the nature of existing economic development problems;~~

((iii))) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter; and

((iv))) (iii) Adopt rules in accordance with chapter 34.04 RCW and do all other things necessary and proper to carry out the purposes of this chapter.

(2) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(3) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials when such a request imposes any additional expenses upon any such agency, department, or official.

(4) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states, and may, if the director deems it desirable, hold public hearings to obtain information for the purpose of carrying out the purposes of this chapter. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, as to allow the department to carry out its purposes under this chapter.

Sec. 31. Section 14, chapter 147, Laws of 1967 ex. sess. as amended by section 5, chapter 195, Laws of 1971 ex. sess. and RCW 43.59.130 are each amended to read as follows:

The Washington state traffic safety commission shall submit a report each biennium outlining programs planned and steps taken toward improving traffic safety to the chair of the legislative transportation committee ~~((by October 1st of each even-numbered year)).~~

Sec. 32. Section 6, chapter 74, Laws of 1967 as amended by section 4, chapter 125, Laws of 1984 and RCW 43.63A.060 are each amended to read as follows:

The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to matters affecting the communities of the state generally and more especially on the extent the state should participate in the provision of services to such communities.

The director may enter into contracts on behalf of the state to carry out the purposes of this chapter; the director may act for the state in the initiation of or participation in any multi-governmental program relative to the purposes of this chapter; and the director may accept gifts and grants, whether such grants be of federal or other funds. When federal or other funds are received by the department they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director. The director shall prepare and submit for executive and legislative

action thereon the budget for the department(~~(; the director shall make a report to the governor and to the legislature in 1985 and biennially thereafter on the activities of the department and the nature of existing community problems;)) and after consultation with and approval by the governor, submit such recommendations for legislative action as deemed necessary to further the purposes of this chapter(~~(; and))~~. The director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of this chapter.~~

The director may delegate such functions, powers and duties to other officers and employees of the department as the director deems expedient to the furtherance of the purposes of this chapter.

Sec. 33. Section 7, chapter 125, Laws of 1984 and RCW 43.63A.078 are each amended to read as follows:

The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

~~((The department shall report annually on December 31 to the governor and the legislature on funds expended and projects developed using matching funds.))~~

Sec. 34. Section 2, chapter 263, Laws of 1985 and RCW 43.63A.220 are each amended to read as follows:

(1) The department of community development is directed to undertake a study as to the best means of providing encouragement and assistance to the formulation of employee stock ownership plans providing for the

partial or total acquisition, through purchase, distribution in lieu of compensation, or a combination of these means or any other lawful means, of shares of stock or other instruments of equity in facilities by persons employed at these facilities in cases in which operations at these facilities would, absent employee equity ownership, be terminated, relocated outside of the state, or so reduced in volume as to entail the permanent layoff of a substantial number of the employees.

(2) In conducting its study, the department shall:

(a) Consider federal and state law relating directly or indirectly to plans proposed under subsection (1) of this section, and to the organization and operation of any trusts established pursuant to the plans, including but not limited to, the federal internal revenue code and any regulations promulgated under the internal revenue code, the federal securities act of 1933 as amended and other federal statutes providing for regulation of the issuance of securities, the federal employee retirement income and security act of 1974 as amended, the Chrysler loan guarantee legislation enacted by the United States congress in 1979, and other federal and state laws relating to employment, compensation, taxation, and retirement;

(b) Consult with relevant persons in the public sector, relevant persons in the private sector, including trustees of any existing employee stock ownership trust, and employees of any firm operating under an employee stock ownership trust, and with members of the academic community and of relevant branches of the legal profession;

(c) Examine the experience of trusts organized pursuant to an employee stock ownership plan in this state or in any other state; and

(d) Make other investigations as it may deem necessary in carrying out the purposes of this section.

(3) Pursuant to the findings and conclusions of the study conducted under subsection (2) of this section, the department of community development shall develop a plan to encourage and assist the formulation of employee stock ownership plans providing for the acquisition of stock by employees of facilities in this state which are subject to closure or drastically curtailed operation. The department shall determine the amount of any costs of implementing the plan.

(4) The director of community development shall, within one year of July 28, 1985, report the findings and conclusion of the study, together with details of the plan developed pursuant to the study, to the legislature, and shall include in the report any recommendations for legislation which the director deems appropriate. ~~((Beginning in 1987, the director shall annually submit to the legislature a report concerning the formation of new employee stock ownership trusts and the operation of existing employee stock ownership trusts in this state, and shall include in the report an account of state activity, during the previous year, in connection with these trusts:))~~



(5) The department of community development shall carry out its duties under this section using available resources.

Sec. 35. Section 43.88.090, chapter 8, Laws of 1965 as last amended by section 3, chapter 247, Laws of 1984 and RCW 43.88.090 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

(2) Estimates from each agency shall include goals and objectives for each program administered by the agency. The goals and objectives shall, whenever possible, be stated in terms of objective measurable results. The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

~~(3) ((Each agency shall submit to the office of financial management a report by September 15 of each odd-numbered year on its performance toward the goals and objectives established for the previous fiscal biennium and the goals and objectives established for the current fiscal biennium. Copies of the reports shall be transmitted by the office of financial management to the standing committees on ways and means of the house of representatives and senate and the legislative budget committee by December 31 of each odd-numbered year.~~

~~(4)))~~ In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 36. Section 11, chapter 10, Laws of 1982 as amended by section 5, chapter 215, Laws of 1986 and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

The director of financial management is responsible for quarterly reporting of primary budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(f) Promulgate regulations to effectuate provisions contained in subsections (a) through (e) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or ((his)) the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with

the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end ~~((he))~~ the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in subsection (3)(c) of this section.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 as now or hereafter amended.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related

in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28-.085 as now or hereafter amended. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

Sec. 37. Section 3, chapter 23, Laws of 1977 as amended by section 144, chapter 151, Laws of 1979 and RCW 43.88.510 are each amended to read as follows:

Not later than ninety days after the beginning of each biennium, the director of financial management shall submit the compiled list of boards, commissions, councils, and committees, together with the information on each such group, that is required by RCW 43.88.505 to:

(1) The speaker of the house and the president of the senate for distribution to the appropriate standing committees, including one copy to the staff of each of the committees; ((and))

(2) The chair of the legislative budget committee, including a copy to the staff of the committee;

(3) The chairs of the committees on ways and means of the senate and house of representatives; and

(4) Members of the state government committee of the house of representatives and of the governmental operations committee of the senate, including one copy to the staff of each of the committees.

Sec. 38. Section 9, chapter 4, Laws of 1982 as amended by section 2, chapter 261, Laws of 1984 and RCW 43.121.090 are each amended to read as follows:

Subject to RCW 40.07.040, the council shall report ((annually)) biennially to the governor and to the legislature concerning the council's activities and the effectiveness of those activities in fostering the prevention of child abuse and neglect.

Sec. 39. Section 6, chapter 11, Laws of 1982 1st ex. sess. as amended by section 1, chapter 110, Laws of 1985 and RCW 43.150.060 are each amended to read as follows:

(1) There is created the Washington state council on voluntary action to assist the governor and the center in the accomplishment of its mission.

(2) Giving due consideration to geographic representation, the governor shall appoint the members of the council as provided in this section.

(3) The governor shall appoint a chair for the council.

(4) The advisory council shall have an odd number of members, including its chair, appointed or reappointed for three-year terms, with a total membership of no less than fifteen and no more than twenty-one.

(5) Members of the council shall upon request be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The council and its members shall:

(a) Advise the governor as ((he)) the governor may request and direct;

(b) Propose, review, and evaluate activities and programs of the center and, to the degree practical, advocate decentralization of the center's activities, facilitate but not require or hinder existing local volunteer services, and not advocate the replacement of needed paid staff with volunteers; and

(c) Represent the governor and the center on such occasions and in such manner as the governor may from time to time provide((; and

~~(d) Deliver to the governor and the legislature on the 15th of December of each year a report outlining the scope and nature of volunteer activities in the state, assessing the need and potential for volunteer activities in the state, identifying and recognizing significant accomplishments and services of individual volunteers and volunteer programs, and making such recommendations as the council determines by majority vote)).~~

Sec. 40. Section 12, chapter 446, Laws of 1985 and RCW 43.155.070 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment; and

(f) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the chairs of the ways and means committees of the senate and house of representatives a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The

legislature shall not change the order of the priorities recommended for funding by the board.

Sec. 41. Section 13, chapter 446, Laws of 1985 and RCW 43.155.080 are each amended to read as follows:

The board shall keep proper records of accounts and shall be subject to audit by the state auditor. (~~Biennial reports on the activities of the board shall be made by the chair to the governor and the legislature.~~)

Sec. 42. Section 9, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.090 are each amended to read as follows:

The board shall keep proper records of accounts and shall be subject to audit by the state auditor. (~~Biennial reports on the activities of the board shall be made by the chairman to the governor and the legislature.~~)

Sec. 43. Section 4, chapter 20, Laws of 1983 1st ex. sess. as amended by section 4, chapter 231, Laws of 1985 and RCW 43.210.040 are each amended to read as follows:

(1) The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 shall have the powers granted under chapter 24.03 RCW. In exercising such powers, the center may:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other sources to carry out its purposes;

(b) Make loans to Washington businesses with annual sales of twenty-five million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries. Loans by the small business export finance assistance center under this chapter shall not compete with nor be a substitute for available loans by a bank or other financial institution and shall only be considered upon a financial institution's assurance that such loan is not available;

(c) Provide loan guarantees on loans made by financial institutions to businesses with annual sales of one hundred million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries;

(d) Establish and regulate the terms and conditions of any such loans and loan guarantees and charges for interest and services connected therewith;

(e) Provide export financial counseling to Washington exporters with annual sales of one hundred million dollars or less, provided that such counseling is not available from a Washington for-profit business. For such counseling, the center may charge such fees as it determines are necessary.

(f) Contract with the federal government and its agencies to become a program administrator for federally provided country risk insurance programs and for the purposes of this chapter; and



(g) Take whatever action may be necessary to accomplish the purposes set forth in this chapter.

(2) The center may not use any Washington state funds or funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(3) The small business export finance assistance center shall make every effort to seek nonstate funds for its continued operation (~~and shall report to the governor and legislature each January 1st on the amounts it has secured from nonstate funding sources~~).

(4) The small business export finance assistance center 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 small business export finance assistance center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 44. Section 6, chapter 40, Laws of 1983 1st ex. sess. and RCW 43.220.060 are each amended to read as follows:

(1) Each state department identified in RCW 43.220.020 shall have the following powers and duties to carry out its functions relative to the Washington conservation corps:

(a) Recruiting and employing staff and corps member leaders and specialists;

(b) Adopting criteria for the selection of applicants to the program from among the enrollees of the youth employment exchange program;

(c) Executing agreements for furnishing the services of the employment conservation program to carry out conservation corps programs to any federal, state, or local public agency, any local organization as specified in this chapter in concern with the overall objectives of the conservation corps;

(d) Applying for and accepting grants or contributions of funds from any private source;

(e) Determining a preference for those projects which will provide long-term benefits to the public, will provide productive training and work experiences to the members involved, will be labor-intensive, may result in payments to the state for services performed, and can be promptly completed; and

(f) Entering into agreements with community colleges within the state's community college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps

members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond one year shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate((; and

~~(g) Reporting annually to the governor and the legislature on the activities undertaken by the employment and conservation program in the preceding fiscal year, including a cost-effectiveness analysis of all completed, ongoing, and proposed projects)).~~

(2) The assignment of corps members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corps member with available funds. In circumstances where substantial efficiencies or a public purpose may result, supervising agencies may use corps members to carry out essential agency work or contractual functions without displacing current employees.

(3) Facilities, supplies, instruments, and tools of the supervising agency shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the agency. The agency may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

Sec. 45. Section 6, chapter 43, Laws of 1951 as amended by section 16, chapter 293, Laws of 1975 1st ex. sess. and RCW 44.28.100 are each amended to read as follows:

The committee shall have the power to make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings. ~~((The committee shall make and distribute its final report to the members of the ensuing legislature at least ten days prior to the convening of the legislature:))~~

Sec. 46. Section 10, chapter 373, Laws of 1977 ex. sess. and RCW 44.48.100 are each amended to read as follows:

The committee shall have the power to make reports to the legislature. The committee shall keep complete minutes of its meetings. ~~((The committee shall make and distribute its final report to the members of the ensuing legislature at least ten days prior to the convening of the legislature:))~~

Sec. 47. Section 3, chapter 212, Laws of 1982 and RCW 46.23.030 are each amended to read as follows:

The department of licensing shall report (~~annually by October first~~) biennially to the ((legislative transportation committee)) chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, on its progress in entering into the nonresident violators compact and in attaining similar agreements with British Columbia and other nonmember states.

Sec. 48. Section 10, chapter 151, Laws of 1977 ex. sess. as amended by section 30, chapter 53, Laws of 1983 1st ex. sess. and RCW 47.01.101 are each amended to read as follows:

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation and, in such manner as prescribed therein, to make and report to the commission and the ~~((legislature))~~ chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, deviations from the planned biennial category A highway construction program necessary to adjust to unexpected delays or other unanticipated circumstances.

(9) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

Sec. 49. Section 1, chapter 12, Laws of 1973 2nd ex. sess. as last amended by section 75, chapter 7, Laws of 1984 and RCW 47.01.141 are each amended to read as follows:

The department shall submit (~~(an annual)~~) a biennial report to the governor and (~~(legislature))~~ chairs of the transportation committees of the senate and house of representatives with a copy to the staff of each of the committees, including but not limited to operational and construction activities of the preceding fiscal (~~(year))~~ period as the department deems important and recommendations for future operations of the department.

Sec. 50. Section 1, chapter 130, Laws of 1977 ex. sess. as amended by section 1, chapter 122, Laws of 1979 ex. sess. and RCW 47.05.021 are each amended to read as follows:

(1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the (~~(legislature))~~ chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial state-wide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) Those state highways which perform no arterial or collector function, which serve only local access functions, and which lack essential state highway characteristics shall be designated "local access" highways.

(3) In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

- (b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;
- (c) Feasibility of the route, including availability of alternate routes within and without the state;
- (d) Directness of travel and distance between points of economic importance;
- (e) Length of trips;
- (f) Character and volume of traffic;
- (g) Preferential consideration for multiple service which shall include public transportation;
- (h) Reasonable spacing depending upon population density; and
- (i) System continuity.

Sec. 51. 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 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 ~~((;))~~ and to the ((legislative transportation committee, and the)) chairs of the house and senate transportation committees, including one copy to the staff of each of the committees, regarding progress of cities and counties in developing long-range plans for their urban arterial construction and programming or urban arterial construction work and the allocation of urban arterial trust funds to the cities and counties.

Sec. 52. Section 9, chapter 9, Laws of 1961 ex. sess. as amended by section 332, chapter 7, Laws of 1984 and RCW 47.60.470 are each amended to read as follows:

The department shall periodically report to the ~~((legislative transportation committee))~~ chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, its plans and progress relating to the financing and refinancing of the Washington state ferries and Hood Canal bridge, including the issuance of bonds authorized by RCW 47.60.400 through 47.60.470, to the end that the committee may be informed of plans which may affect its recommendations to the legislature.

Sec. 53. Section .02.17, chapter 79, Laws of 1947 as amended by section 69, chapter 75, Laws of 1977 and RCW 48.02.170 are each amended to read as follows:

The commissioner shall, as soon as accurate preparation enables, ~~((transmit to the legislature))~~ prepare a report of his official transactions during the preceding fiscal year, containing ~~((recommendations for amendment of this code and))~~ information ~~((and recommendations))~~ relative to insurance as ~~((he))~~ the commissioner deems proper.

Sec. 54. Section 7, chapter 296, Laws of 1986 and RCW 48.02.190 are each amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: **PROVIDED**, That the fee shall not exceed one-eighth of one percent of receipts: **PROVIDED FURTHER**, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: **PROVIDED**, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and

bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed. ~~((The commissioner shall report fees to the legislative committees responsible for insurance and appropriations concurrent with notification to the organizations.))~~

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees.

Sec. 55. Section 7, chapter 270, Laws of 1955 as last amended by section 8, chapter 185, Laws of 1985 and RCW 49.60.100 are each amended to read as follows:

Subject to RCW 40.07.040, the commission, ~~((at the close of each fiscal year))~~ each biennium, shall report to the governor, describing the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, the recommendations it has issued, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The commission may present its reports to the legislature; the commission's reports shall be made available upon request.

Sec. 56. Section 72, chapter 62, Laws of 1933 ex. sess. as last amended by section 79, chapter 75, Laws of 1977 and RCW 66.08.028 are each amended to read as follows:

The board shall, from time to time, make reports to the governor covering such matters in connection with the administration and enforcement of this title as ~~((the))~~ the governor may require, and, subject to RCW 40.07.040, the board shall prepare and forward to the governor ~~((annually))~~ biennially, to be laid before the legislature, a report for the fiscal ~~((year))~~ period containing:

(1) A financial statement and balance sheet showing in general the condition of the business and its operation during the year;

(2) A summary of all prosecutions for infractions and the results thereof;

(3) General information and remarks; and

(4) Any further information requested by the governor.

Sec. 57. Section 5, chapter 7, Laws of 1982 2nd ex. sess. as last amended by section 21, chapter 158, Laws of 1986 and RCW 67.70.050 are each amended to read as follows:

There is created the office of director of the state lottery. The director shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and shall receive such salary as is determined by the governor, but in no case may the director's salary be more than ninety percent of the salary of the governor. The director shall:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules of the commission.

(2) Appoint such deputy and assistant directors as may be required to carry out the functions and duties of his office: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such deputy and assistant directors.

(3) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such employees as are engaged in undercover audit or investigative work or security operations but shall apply to other employees appointed by the director, except as provided for in subsection (2) of this section.

(4) In accordance with the provisions of this chapter and the rules of the commission, license as agents to sell or distribute lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in such amount as provided in the rules of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules of the commission. License fees may be established by the commission, and, if established, shall be deposited in the state lottery account created by RCW 67.70.230.

(5) Confer regularly as necessary or desirable with the commission on the operation and administration of the lottery; make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; and advise the commission and recommend such matters as ~~((he))~~ the director deems necessary and advisable to improve the operation and administration of the lottery.

(6) Subject to the applicable laws relating to public contracts, enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific



approval of the commission: PROVIDED, That nothing in this chapter authorizes the director to enter into public contracts for the regular and permanent administration of the lottery after the initial development and implementation.

(7) Certify quarterly to the state treasurer and the commission a full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding quarter.

~~(8) ((Publish quarterly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding quarter, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature, and including such recommendations for changes in this chapter as the director deems necessary or desirable.~~

~~(9))~~ Report immediately to the governor and the legislature any matters which require immediate changes in the laws of this state in order to prevent abuses and evasions of this chapter or rules promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

~~((+0))~~ (9) Carry on a continuous study and investigation of the lottery throughout the state: (a) For the purpose of ascertaining any defects in this chapter or in the rules issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules may arise or be practiced, (b) for the purpose of formulating recommendations for changes in this chapter and the rules promulgated thereunder to prevent such abuses and evasions, (c) to guard against the use of this chapter and the rules issued thereunder as a cloak for the carrying on of professional gambling and crime, and (d) to insure that this chapter and rules shall be in such form and be so administered as to serve the true purposes of this chapter.

~~((+1))~~ (10) Make a continuous study and investigation of: (a) The operation and the administration of similar laws which may be in effect in other states or countries, (b) any literature on the subject which from time to time may be published or available, (c) any federal laws which may affect the operation of the lottery, and (d) the reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

~~((+2))~~ (11) Have all enforcement powers granted in chapter 9.46 RCW.

~~((+3))~~ (12) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 58. Section 14, chapter 5, Laws of 1973 1st ex. sess. as last amended by section 13, chapter 288, Laws of 1984 and RCW 70.39.130 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall prepare and ~~((; prior to each legislative session beginning in January;))~~ transmit each biennium to the governor and to the legislature ~~((an annual))~~ a report of commission operations and activities for the preceding fiscal ~~((year))~~ period. This report shall include such findings and recommendations as the commission believes will further the legislative goal of cost containment in the delivery of good quality health care services, including cost-containment programs that have been or might be adopted, and issues of access to good quality care. The report shall also include data on the amount and proportion of charity care provided by each hospital. The commission's report for 1986, to be submitted in January 1987, shall include an analysis of the impacts of RCW 70.39.165 on (1) the use by indigent persons of health care settings other than hospitals and (2) the caseloads and costs associated with the limited casualty program for medical indigents under RCW 74.09.700. The department of social and health services and the health systems agencies established under chapter 70.38 RCW shall provide such information and assistance as the commission may reasonably require in preparing the report on the impact of RCW 70.39.165.

Sec. 59. Section 6, chapter 316, Laws of 1977 ex. sess. as last amended by section 3, chapter 118, Laws of 1986 and RCW 70.48.060 are each amended to read as follows:

(1) Any funds allocated to a governing unit for jail construction or renovation pursuant to this chapter shall constitute full funding of the cost of implementing the physical plant standards within the meaning of RCW 70.48.070(2). Jail construction or renovation represents the full extent of the state's financial commitment with regard to jails. Local governing units are responsible for funding all costs of operating jails.

(2) As a condition of eligibility for such financial assistance as may be provided by or through the state of Washington exclusively for the construction and/or modernization of jails, all jail construction and/or substantial remodeling projects shall be submitted by the governing unit to the board which shall review all submitted projects in accordance with rules to be adopted by the board and shall approve or reject each project for purposes of state funding. The board shall allocate available funding to the projects approved for funding in accordance with moneys actually available and the priorities established by the board under this section.

(3) The rules to be adopted by the board for purposes of approving or denying requests for state funds for jail construction or remodeling shall:

(i) Limit state funding to the minimum amount required to fully implement the physical plant standards;

(ii) Encourage the voluntary consolidation of jail facilities and programs of contiguous governing units where feasible: PROVIDED, That

such consolidation is approved by all participating governing units: PROVIDED FURTHER, That the board may fund the minimum cost of approved remodeling of an existing county jail facility to be operated as a holding facility in the future when that county is a party to a multi-county consolidation agreement which meets the requirements of RCW 70.48.090, the cost of such holding facility remodeling project(s) and of the consolidated correctional facility project does not exceed the established maximum budgets for current detention and/or correctional facility projects of those governing units, and approval of such a revised concept maximizes the beds to be provided while maintaining or reducing the construction costs;

(iii) Insure that each governing unit or consolidation of governing units applying for state funds under this chapter has submitted a plan which demonstrates that pretrial and posttrial alternatives to incarceration are being considered within the governmental unit;

(iv) Establish criteria and procedures for setting priorities among the projects approved for state funding for purposes of allocating state funds actually available; and

(v) Establish procedures for the submission, review, and approval or denial of projects submitted and appeals from adverse determinations, including time periods applicable thereto.

(4) The board shall review all submitted projects with the office of financial management and the office of financial management shall provide technical assistance to the board for purposes of insuring the accuracy of statistical information to be used by the board in determining projects to be funded.

(5) The board shall oversee approved construction and remodeling to the extent necessary to assure compliance with the standards adopted and approved pursuant to RCW 70.48.050(5).

(6) The board shall develop estimates of the costs of the capital construction grants for each biennium required under the provisions of this chapter. The estimates shall be submitted to the office of financial management consistent with the provisions of chapter 43.88 RCW and the office of financial management shall review and approve or disapprove within thirty days.

~~((7) The board and the office of financial management shall jointly report to the legislature on or before the convening of a regular session as to the projects approved for funding, construction status of such projects, funds expended and encumbered to date, and updated population and incarceration statistics:~~

~~(8) The board shall examine, and by December 1, 1980, present to the legislature recommendations relating to detention and correctional services, including the formulation of the role of state and local governing units regarding detention and correctional facilities:))~~

Sec. 60. Section 4, chapter 238, Laws of 1967 as amended by section 120, chapter 141, Laws of 1979 and RCW 70.94.053 are each amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently or may hereafter be within counties of the first class, class A or class AA, are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas determined in RCW 70.94.011 are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or county commissioners as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The state board and the department of social and health services are directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

~~((The state board and the department are directed to report to the 1969 and succeeding legislative sessions with respect to the further need for activating or combining air pollution control authorities.))~~

Sec. 61. Section 6, chapter 277, Laws of 1984 as amended by section 5, chapter 456, Laws of 1985 and RCW 70.94.820 are each amended to read as follows:

The department of ecology shall maintain a program of periodic monitoring of acid rain deposition and lake, stream, and soil acidification to ensure early detection of acidification and environmental degradation.

~~((A report on changes in acid deposition and lake, stream, and soil acidification levels shall be provided to the parks and ecology committee of~~

~~the senate and the environmental affairs committee of the house of representatives, prior to each legislative session:)~~

Sec. 62. Section 5, chapter 176, Laws of 1980 and RCW 70.120.140 are each amended to read as follows:

The department shall establish and maintain in the Washington portion of the Portland-Vancouver metropolitan area not less than three ambient air monitoring devices for ozone, not less than three ambient air monitoring devices for hydrocarbons, and not less than two ambient air monitoring devices for oxides of nitrogen.

~~((The department shall report annually to the legislature regarding the effect on air quality of vehicle emission control and other air quality programs in that metropolitan area and in the Washington portion of the area as indicated by the data recorded by the monitoring devices:))~~

Sec. 63. Section 6, chapter 245, Laws of 1979 ex. sess. and RCW 70.123.060 are each amended to read as follows:

Subject to RCW 40.07.040, the department shall prepare ~~((an annual))~~ a biennial report through 1991 to the legislature which shall include but not be limited to:

(1) Data reflecting the geographic incidence of domestic violence in the state, indicating the number of cases officially reported as well as an assessment of the degree of unreported cases;

(2) The number of persons and relevant statistical data, where possible, of persons treated or assisted by shelters receiving state funds; and

(3) A listing of potential and feasible prevention efforts, the estimated cost of providing the prevention services, and the projected benefits of providing the services.

The department may contract, where applicable, for the information required by this section.

Sec. 64. Section 3, chapter 3, Laws of 1986 and RCW 70.146.030 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature. All earnings from investment of balances in the water quality account, except as provided in RCW 43.84.090, shall be credited to the water quality account.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other

funds are made available on a cost-sharing basis, for water pollution control facilities and activities within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the ~~((legislature no later than November 30th of each year))~~ chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

Sec. 65. Section 9, chapter 204, Laws of 1982 as amended by section 9, chapter 274, Laws of 1986 and RCW 71.24.155 are each amended to read as follows:

Grants shall be made by the department to counties for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter. ~~((The department shall provide a biennial accounting of the use of these funds to the ways and means committees of the senate and the house of representatives.))~~

Sec. 66. Section 72.01.320, chapter 28, Laws of 1959 as last amended by section 163, chapter 141, Laws of 1979 and RCW 72.01.320 are each amended to read as follows:

The secretary shall examine into the conditions and needs of the several state institutions under ~~((his))~~ the secretary's control and report in writing to the governor the condition of each institution.

~~((The secretary shall also provide the governor and legislature a full report of the activities of his department each fiscal year, incorporating therein suggestions respecting legislation for the benefit of the several institutions under his control and in the interests of improved administration generally.))~~

Sec. 67. Section 19, chapter 136, Laws of 1981 and RCW 72.09.160 are each amended to read as follows:

The board shall have the following responsibilities with respect to the department of corrections:

(1) Within two years of July 1, 1981, it shall recommend such advisory standards to the legislature, the governor, and the department as it determines are necessary to: (a) Meet federal and state constitutional requirements relating to health, safety, security, and welfare of inmates and staff or specific state or federal statutory requirements; and (b) provide for the public's health, safety, and welfare. In carrying out this responsibility, the

board shall consider the standards of the United States department of justice and the accreditation commission on corrections of the American corrections association and any other standards or proposals it finds appropriate. Whenever possible, these standards should discourage duplication of services by the state and local governments.

(2) The standards recommended by the board shall be advisory only and may not be enforced by the board. The board shall review and make recommendations regarding any standards which are proposed by the secretary.

~~(3) ((Each year commencing in 1983, the board shall issue a report to the governor, the legislature and the department which shall contain: (a) All recommended standards which are proposed either by the board or the secretary, and the reasons for any variance therefrom with respect to adopted standards; and (b) a report on the variance (i) between its recommended standards and the standards adopted by the secretary; (ii) between its recommended standards and the performance of the department; and (iii) between the standards adopted by the secretary and the performance of the department.~~

~~(4))~~ The board shall review the development and functioning of the department's grievance procedures. The board and the secretary shall jointly visit and inspect at least once a year each state corrections institution. For institutions of less than one hundred fifty, the board may appoint one or more of its members to carry out this duty.

~~((5))~~ (4) The board may recommend advisory standards for the location, construction, and operation of all state correctional facilities and programs.

~~((6))~~ (5) The board may recommend to the governor, the legislature, and the secretary the expenditure of public funds in a manner which recognizes and advances the board's or the secretary's proposed standards.

~~((7))~~ (6) The board shall appoint an executive secretary to assist it in carrying out its functions under this chapter. As authorized by the board, the executive secretary shall hire and supervise necessary staff to assist the board in carrying out its duties. The secretary may provide any technical assistance or support which the board may request from time to time.

Sec. 68. Section 2, chapter 246, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 146, Laws of 1986 and RCW 72.33.125 are each amended to read as follows:

(1) In order to provide ongoing points of contact with the handicapped individual and his or her family so that they may have a place of entry for state services and return to the community as the need may appear; to provide a link between those individuals and services of the community and state operated services so that the individuals with handicapping conditions and their families may have access to the facilities best suited to them throughout the life of the individual; to offer viable alternatives to state

residential school admission; and to encourage the placement of persons from state residential schools, the secretary of social and health services or ~~((his))~~ the secretary's designee, pursuant to rules and regulations of the department, shall receive applications of persons for care, treatment, hospitalization, support, training, or rehabilitation provided by state programs or services for the handicapped. Written applications shall be submitted in accordance with the following requirements:

(a) In the case of a minor person, the application shall be made by his or her parents or by the parent, guardian, limited guardian where so authorized, person or agency legally entitled to custody, which application shall be in the form and manner required by the department; and

(b) In the case of an adult person, the application shall be made by such person, by his or her guardian, or limited guardian where so authorized, or agency legally entitled to custody, which application shall be in the form and manner required by the department.

(2) Upon receipt of the written application the secretary shall determine if the individual to receive services has a handicapping condition as defined in RCW 72.33.020 qualifying ~~((him))~~ the individual for services. In order to determine eligibility for services, the secretary may require a supporting affidavit of a physician or a clinical psychologist, or one of each profession, certifying that the individual is handicapped as herein defined.

(3) After determination of eligibility because of a handicapping condition, the secretary shall determine the necessary services to be provided for the individual. Individuals may be temporarily admitted, for a period not to exceed thirty days, to departmental residential facilities for observation prior to determination of needed services, where such observation is necessary to determine the extent and necessity of services to be provided.

(4) The secretary shall annually advise the persons specified in subsection (1) (a) or (b) of this section that they may, by application, propose program and placement alternatives for care, treatment, hospitalization, support, training, or rehabilitation of the handicapped person: PROVIDED, That current appropriations are sufficient to implement alternative services without reducing services to existing clients.

(5) Upon receipt of an application for alternative care, the secretary shall consult with the applicant and within ninety days of the application determine whether the following criteria are met:

(a) That the alternative plan proposes a less dependent program than the current services provide;

(b) That the alternative plan is appropriate under the goals and objectives of the individual program plan;

(c) That the alternative plan is not in violation of applicable state and federal law; and

(d) That necessary services can reasonably be made available.



(6) If the alternative plan meets all the criteria of subsection (5) of this section, it shall be implemented as soon as reasonable, but not later than one hundred twenty days after completion of the determination process, unless the secretary determines:

- (a) That the alternative plan is more costly than the current plan; or
- (b) Current appropriations are not sufficient to implement alternative services without reducing services to existing clients; or
- (c) The alternative plan would take precedent over other priority placements.

~~((7) The secretary shall by July 1st of each even-numbered year report to the legislature on the use of program options. The report shall include the number of persons applying for program options, the number denied and reasons, the number approved and implemented, the programs they transferred from and to, the costs and savings incurred, and the amounts and sources of funding used to finance program options services. The report shall also estimate use and funding for the next biennium.))~~

Sec. 69. Section 17, chapter 172, Laws of 1967 as last amended by section 4, chapter 246, Laws of 1983 and RCW 74.13.031 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children.

(2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the house and senate committees on social and health services. The plan shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of neglect, abuse, or abandonment of children, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010(~~(, and annually submit a report delineating the results to the house and senate committees on social and health services)~~).

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto. At least one-third of the membership shall be composed of child care providers.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and RCW 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5634 et seq.; and 42 U.S.C. 5701 note as amended by P.L. 94-273, 94-503, and 95-115).

Sec. 70. Section 82, chapter 155, Laws of 1979 as last amended by section 11, chapter 257, Laws of 1985 and RCW 74.13.036 are each amended to read as follows:

(1) The department of social and health services shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight

shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall, by January 1, 1986, develop a plan and procedures, in cooperation with the state-wide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the alternative residential placement process;

(b) Procedures for designating department staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

The plan and procedures required under this subsection shall be submitted to the appropriate standing committees of the legislature by January 1, 1986.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

(4) The secretary shall develop procedures in accordance with chapter 34.04 RCW for addressing violations and misunderstandings concerning the implementation of chapters 13.32A and 13.34 RCW.

(5) The secretary shall submit a quarterly report to the ~~((appropriate standing committee of the house of representatives and the senate of the state of Washington and to))~~ appropriate local government entities.

(6) Where appropriate, the department shall request opinions from the attorney general regarding correct construction of these laws.

Sec. 71. Section 75.08.020, chapter 12, Laws of 1955 as last amended by section 1, chapter 208, Laws of 1985 and RCW 75.08.020 are each amended to read as follows:

(1) The director shall investigate the habits, supply, and economic use of food fish and shellfish in state and offshore waters.

(2) The director shall make an annual report to the governor on the operation of the department and the statistics of the fishing industry.

(3) Subject to RCW 40.07.040, the director shall provide a comprehensive ~~((annual))~~ biennial report of all departmental operations to the ~~((legislature on or before October 30 of each year))~~ chairs of the committees on natural resources and ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, to reflect the previous fiscal ~~((year))~~ period. The format of the report shall be similar to reports issued by the department from 1964–1970 and the report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational, commercial, and tribal utilization. The report shall be given to the house and senate committees on ways and means and the house and senate committees on natural resources and shall be made available to the public.

(4) The director, in cooperation with the director of game and the dean of the college of fisheries at the University of Washington, shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers. The proposals shall include specific recommendations for legislation and estimates of the costs of replenishing the fish runs by 1991, but shall not include alternatives to replenishing the fish runs. Proposals under this subsection shall be submitted by the director and the director of game to the legislature no later than January 1986.

Sec. 72. Section 5, chapter 458, Laws of 1985 and RCW 75.50.050 are each amended to read as follows:

The director shall report to the legislature on or before October 30th of each year through 1991 on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall

include estimates of funding levels necessary to operate the projects in future years.

The director shall submit the reports and any additional recommendations to the chairs of the committees on ways and means and the committees on natural resources of the senate and house of representatives.

Sec. 73. Section 4, chapter 72, Laws of 1984 and RCW 75.52.040 are each amended to read as follows:

(1) The department shall:

(a) Encourage and support the establishment of cooperative agreements for the development and operation of cooperative food fish, shellfish, game fish, game bird, game animal, and nongame wildlife projects, and projects which provide an opportunity for volunteer groups to become involved in resource and habitat-oriented activities. All cooperative projects shall be fairly considered in the approval of cooperative agreements;

(b) Identify regions and species or activities that would be particularly suitable for cooperative projects providing benefits compatible with department goals;

(c) Determine the availability of rearing space at operating facilities or of net pens, egg boxes, portable rearing containers, incubators, and any other rearing facilities for use in cooperative projects, and allocate them to volunteer groups as fairly as possible;

(d) Exempt volunteer groups from payment of fees to the department for activities related to the project;

~~(e) ((Annually report to the legislature on accepted and rejected cooperative agreements, production, costs, and benefits of the cooperative program;~~

~~(f))~~ Publicize the cooperative program;

~~((g))~~ (f) Not substitute a new cooperative project for any part of the department's program unless mutually agreeable to the department and volunteer group;

~~((h))~~ (g) Not approve agreements that are incompatible with legally existing land, water, or property rights.

(2) The department may, when requested, provide to volunteer groups its available professional expertise and assist the volunteer group to evaluate its project.

Sec. 74. Section 5, chapter 122, Laws of 1985 and RCW 76.56.050 are each amended to read as follows:

The center shall aggressively solicit financial contributions and support from the forest products industry, federal and state agencies, and other granting sources or through other arrangements to assist in conducting its activities. Subject to RCW 40.07.040, the center shall report ((on December 1 of each year)) biennially through 1991 to the governor and the legislature on its success in obtaining funding from nonstate sources. It may

also use separately appropriated funds of the University of Washington for the center's activities.

**\*Sec. 75. Section 2, chapter 93, Laws of 1985 and RCW 77.04.110 are each amended to read as follows:**

**Subject to RCW 40.07.040, the director shall provide a comprehensive ((annual)) biennial report of all departmental operations to the ((legislature on or before October 30 of each year to reflect the previous fiscal year)) chairs of the committees on ways and means and natural resources of the senate and house of representatives, including one copy to the staff of each of the committees. The report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational and tribal utilization.**

**~~((The report shall be given to the house and senate committees on ways and means and the house and senate committees on natural resources and shall be made available to the public.))~~**

**\*Sec. 75 was vetoed, see message at end of chapter.**

**Sec. 76. Section 196, chapter 255, Laws of 1927 as amended by section 3, chapter 93, Laws of 1985 and RCW 79.01.744 are each amended to read as follows:**

(1) It shall be the duty of the commissioner of public lands to report, and recommend, to each session of the legislature, any changes in the law relating to the methods of handling the public lands of the state that he may deem advisable.

(2) The commissioner of public lands shall provide a comprehensive ((annual)) biennial report ((to the legislature on or before October 30 of each year)) to reflect the previous fiscal ((year)) period. The report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, the adopted sustainable harvest compared to the sales program, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resources managed and the recreational and commercial utilization. The report shall be given to the chairs of the house and senate committees on ways and means and the house and senate committees on natural resources, including one copy to the staff of each of the committees, and shall be made available to the public.

Sec. 77. Section 80.01.090, chapter 14, Laws of 1961 as amended by section 91, chapter 75, Laws of 1977 and RCW 80.01.090 are each amended to read as follows:

All proceedings of the commission and all documents and records in its possession shall be public records, and it shall adopt and use an official seal. Subject to RCW 40.07.040, the commission shall make and submit to the governor and the legislature (~~(an annual)~~) a biennial report containing a statement of the transactions and proceedings of its office, together with the information gathered by the commission and such other facts, suggestions, and recommendations as the governor may require or the legislature request.

Sec. 78. Section 41, chapter 450, Laws of 1985 and RCW 80.36.380 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall provide the legislature with (~~(an annual)~~) a biennial report through 1991 on the status of the Washington telecommunications industry. The report shall describe the competitiveness of all markets as defined by the commission; the availability of diverse and affordable telecommunications services to all people of Washington, particularly to customers in rural or sparsely populated areas; and the level of rates for local exchange and interexchange telecommunications service. The report also shall address the question of whether competition in certain markets has developed to such an extent that the commission recommends additional regulatory flexibility such as detariffing or total deregulation and the evidence therefor; and the need for further legislation to achieve the purposes of RCW 80.36.300 through 80.36.370 and 80.04.010. The commission shall also monitor cost of service methodologies and shall recommend to the legislature whether cost of service rate-making shall become a standard for telecommunications services.

Sec. 79. 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))~~ members of the committees on ways and means and the chairs of the committees on transportation of the senate and house of representatives and the chair of the legislative transportation committee, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th.

Sec. 80. Section 2, chapter 141, Laws of 1981 and RCW 84.36.037 are each amended to read as follows:

Real or personal property owned by a nonprofit organization, association, or corporation in connection with the operation of a public assembly hall or meeting place is exempt from taxation. The area exempt under this section includes the building or buildings, the land under the buildings, and an additional area necessary for parking, not exceeding a total of one acre: **PROVIDED**, That for property essentially unimproved except for restroom facilities and structures on such property which has been used primarily for annual community celebration events for at least ten years, such exempt property shall not exceed twenty-nine acres.

To qualify for this exemption the property must be used exclusively for public gatherings and be available to all organizations or persons desiring to use the property, but the owner may impose conditions and restrictions which are necessary for the safekeeping of the property and promote the purposes of this exemption. Membership shall not be a prerequisite for the use of the property.

The use of the property for pecuniary gain or to promote business activities, except fund raising activities conducted by a nonprofit organization, nullifies the exemption otherwise available for the property for the assessment year. The exemption is not nullified by the collection of rent or donations if the amount is reasonable and does not exceed maintenance and operation expenses created by the user.

The department of revenue shall narrowly construe this exemption ~~((and shall annually report to the legislature the names of organizations receiving such property tax exemptions)).~~

Sec. 81. 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, 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, 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, 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. 82. Section 10, chapter 225, Laws of 1971 ex. sess. as amended by section 95, chapter 75, Laws of 1977 and RCW 90.54.090 are each amended to read as follows:

All agencies of state and local government, including counties and municipal and public corporations, shall, whenever possible, carry out powers vested in them in manners which are consistent with the provisions of this chapter. ~~((The director of the department of ecology shall submit a report to the legislature at least annually noting any failures by such agencies to comply with the mandate of this section, and the circumstances surrounding such failure.))~~

Sec. 83. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 308, Laws of 1985 and RCW 43.21G.040 are each amended to read as follows:

(1) The governor may subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

~~((The governor shall review the status of such plans annually with the house of representatives and senate standing committees on energy and utilities.))~~

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers as set forth in this chapter shall become effective only within the area described in the declaration.

(2) A condition of energy supply alert shall terminate ninety consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

In the event any such initial extension is implemented, the condition shall terminate one hundred and fifty consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate sixty consecutive days after the implementation of such extension.

(3) A condition of energy emergency shall terminate forty-five consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy emergency.

In the event any such initial extension is implemented, the condition shall terminate ninety consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate forty-five consecutive days after the implementation of such extension.

(4) A condition of energy supply alert or energy emergency shall cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or special session: PROVIDED, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

(6) In addition to the powers in subsection (5) of this section, in a condition of energy emergency, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency, issue orders to: (a) Implement programs, controls, standards, and priorities for the production, allocation, and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of the condition of energy supply alert or energy emergency.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including, but not limited to, chapter 34.04 RCW, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor.

Sec. 84. Section 1, chapter 220, Laws of 1979 ex. sess. as last amended by section 13, chapter 158, Laws of 1986 and RCW 43.52.378 are each amended to read as follows:

The executive board of any operating agency constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement issued pursuant to chapter 80.50 RCW shall appoint an administrative auditor. The administrative auditor shall be deemed an officer under chapter 42.23 RCW. The appointment of the administrative auditor shall be in addition to the appointment of the auditor for the issuance of warrants and other purposes as provided in RCW 43.52.375. The executive board shall retain a qualified firm or firms to conduct performance audits which is in fact independent and does not have any interest, direct or indirect, in any contract with the operating agency other than its employment hereunder. No member or employee of any such firm shall be connected with the operating agency as an officer, employee, or contractor. The administrative auditor and the firm or firms shall be independently and directly responsible to the executive board of the operating agency. The executive board shall require a firm to conduct continuing audits of the methods, procedures and organization used by the operating agency to control costs, schedules, productivity, contract amendments, project design and any other topics deemed desirable by the executive board. The executive board may also require a firm to analyze particular technical aspects of the operating

agency's projects and contract amendments. The firm or firms shall provide advice to the executive board in its management and control of the operating agency. At least once each year, the firm or firms shall prepare and furnish a report of its actions and recommendations to the executive board for the purpose of enabling it to attain the highest degree of efficiency in the management and control of any thermal power project under construction or in operation. The administrative auditor shall assist the firm or firms in the performance of its duties. The administrative auditor and the firm or firms shall consult regularly with the executive board and furnish any information or data to the executive board which the administrative auditor, firm, or executive board deems helpful in accomplishing the purpose above stated. The administrative auditor shall perform such other duties as the executive board shall prescribe to accomplish the purposes of this section.

~~((The operating agency shall file a copy of each firm's reports, prepared in accordance with this section, with the respective chairmen of the senate and house energy and utilities committees in a timely manner.))~~ Upon the concurrent request of the chairmen of the senate or house energy and utilities committees, the operating agency shall report to the committees on a quarterly basis.

Sec. 85. Section 2, chapter 293, Laws of 1985 and RCW 43.200.142 are each amended to read as follows:

The board shall monitor and evaluate the research performed by the federal department of energy that is undertaken for the purpose of determining the suitability of the Hanford candidate site for the location of a disposal facility for spent nuclear fuel and high-level radioactive waste. If the board is dissatisfied with the research performed by the federal department of energy, it shall conduct its own independent testing and evaluation activities, for which it shall seek funding from the federal government. ~~((The board shall report semiannually to the governor and the Washington state legislature on the results of research conducted under this section.))~~

***\*NEW SECTION. Sec. 86. A new section is added to chapter 40.06 RCW to read as follows:***

***Effective January 1, 1988, any state publication which is to be distributed to all members of the legislature shall be distributed solely through the state publications distribution center in the state library. The state library shall regularly issue a listing of available publications to each member of the legislature. State agencies may distribute state publications directly to individual legislators upon the request of that legislator.***

***This section shall not apply to internal distribution of publications produced by the legislature.***

***\*Sec. 86 was vetoed, see message at end of chapter.***

***NEW SECTION. Sec. 87. Section 5, chapter 3, Laws of 1981 1st ex. sess. and RCW 43.52.379 are each repealed.***

NEW SECTION. Sec. 88. The following acts or parts of acts are each repealed:

(1) Section 9, chapter 21, Laws of 1983 1st ex. sess. and RCW 28C-.04.470;

(2) Section 44, chapter 38, Laws of 1984 and RCW 38.52.035;

(3) Section 2, chapter 48, Laws of 1974 ex. sess., section 82, chapter 151, Laws of 1979 and RCW 43.01.140;

(4) Section 43.10.100, chapter 8, Laws of 1965, section 42, chapter 75, Laws of 1977, section 16, chapter 313, Laws of 1986 and RCW 43.10.100;

(5) Section 43.30.200, chapter 8, Laws of 1965, section 52, chapter 75, Laws of 1977 and RCW 43.30.200;

(6) Section 7, chapter 175, Laws of 1984, section 30, chapter 466, Laws of 1985 and RCW 43.31.385;

(7) Section 43.56.030, chapter 8, Laws of 1965, section 59, chapter 75, Laws of 1977, section 24, chapter 87, Laws of 1980 and RCW 43.56.030;

(8) Section 11, chapter 229, Laws of 1985 and RCW 43.165.110;

(9) Section 8, chapter 164, Laws of 1985 and RCW 43.168.080;

(10) Section 5, chapter 44, Laws of 1982 and RCW 43.170.050;

(11) Section 10, chapter 290, Laws of 1983 and RCW 43.190.100;

(12) Section .31.25, chapter 79, Laws of 1947 and RCW 48.31.250;

(13) Section 10, chapter 172, Laws of 1986 and RCW 50.63.100;

(14) Section 19, chapter 215, Laws of 1979 ex. sess. and RCW 71.05-.600;

(15) Section 5, chapter 273, Laws of 1959, section 12, chapter 189, Laws of 1971 ex. sess., section 86, chapter 75, Laws of 1977, section 5, chapter 160, Laws of 1979 ex. sess., section 106, chapter 136, Laws of 1981 and RCW 72.60.280;

(16) Section 9, chapter 308, Laws of 1977 ex. sess., section 169, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.48.090;

(17) Section 4, chapter 393, Laws of 1985 and RCW 84.34.057;

(18) Section 84.41.140, chapter 15, Laws of 1961, section 204, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.41.140; and

(19) Section 7, chapter 225, Laws of 1971 ex. sess., section 94, chapter 75, Laws of 1977 and RCW 90.54.070.

NEW SECTION. Sec. 89. Section 3, chapter 339, Laws of 1985 and RCW 51.32.097 are each repealed, effective June 30, 1990.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 1, 20, 23, 75 and 86, Engrossed Substitute House Bill No. 25, entitled:

"AN ACT Relating to state government."

Section 1 requires the Office of Financial Management to suggest a system to control the purchases of furniture by state agencies. While the existing system is not perfect, it does provide for some flexibility so that agencies may operate efficiently while at the same time allowing executive and legislative control through the budget process. The system envisioned by this section would add an additional layer of bureaucracy to a single part of the state purchasing system and would be costly to administer.

Improvements are possible in many areas of state government, and purchasing is one of these areas. I think that any changes in furniture purchasing should be considered in the context of improvements of the overall system. Therefore, I have vetoed section 1.

Three sections of Engrossed Substitute House Bill No. 25 contain amendments that conflict with other bills receiving my signature. Section 20 amends RCW 39.19.030(8), which is also amended by Engrossed Senate Bill 5529, section 3. Section 23 amends RCW 39.86.070, which is repealed by Substitute House Bill 739, section 13(8). Section 75 amends RCW 77.04.110, which is repealed by Engrossed Second Substitute House Bill 758, section 98. These amendments are incompatible, so I have vetoed these sections to avoid confusion.

Section 86 requires all state publications which are to be sent to legislators to be routed through the State Library. I fully agree that state agencies should limit publications to the Legislature to what is necessary. However, the language in section 86 is overly broad and could result in delays of critical information to the Legislature. To keep with the intent of this section, I will direct the Office of Financial Management to work with agencies to devise a system that will distribute their publications more efficiently and effectively.

With the exception of sections 1, 20, 23, 75 and 86, Engrossed Substitute House Bill 25 is approved."

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## CHAPTER 506

### [Engrossed Second Substitute House Bill No. 758] WILDLIFE DEPARTMENT

AN ACT Relating to the department of wildlife; 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; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

**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) ~~((If))~~ The ~~((commission-determines))~~ director may recommend to the commission that a species of wildlife should not be hunted or fished~~((;))~~. The commission may designate ~~((it-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 ~~((it))~~ 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 ~~((it))~~ 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, ~~((it))~~ 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. Moneys 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. 57 was vetoed, see message at end of chapter.

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~~((f, 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 ~~wrongfu!~~ 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 ..... ~~\$(1,000)~~ 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.

\*Sec. 74 was partially vetoed, see message at end of chapter.

**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 recognition 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 theretofore been established hereunder.

Sec. 97. Section 4, chapter 284, Laws of 1969 ex. scss. 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.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 57, and 74(2), Engrossed Second Substitute House Bill No. 758, entitled:

"AN ACT Relating to the department of wildlife."

Engrossed Second Substitute House Bill No. 758 reorganizes the Department of Game into the Department of Wildlife. As part of this reorganization, greater authority is vested in the Director of Wildlife, the chief executive officer of the Department.

Section 57 requires the Director to employ a minimum of 85 field wildlife enforcement agents. As with other Departmental staffing decisions, a determination of the actual number of wildlife enforcement agents to be employed by the Department is more appropriately left to the Director's discretion. Enforcement is an important responsibility of the Department, and the Director is instructed to employ an adequate number of wildlife agents to ensure enforcement coverage throughout the state.

Section 74(2) would direct to the Wildlife Conservation Reward Fund, rather than to the Public Safety and Education Fund, certain reimbursements to the state for the value of game animals taken illegally. Section 74(2) would require courts to distribute revenue received from these reimbursements in a different way than is currently prescribed by statute. Currently, as part of the Court Improvement Act of 1984, all court revenue is distributed according to a 68/32% formula between local and state government. The state's 32% share goes into the Public Safety and Education Account and is used to support a variety of state programs, including some sponsored by the Department of Wildlife.

The Court Improvement Act did away with a very cumbersome system of separate accounting for numerous small special purpose court collections. The unified and simplified system now in place is superior to its predecessor. The change mandated by section 74(2) would be a step backward toward the old system.

With the exception of section 57, and 74(2), Engrossed Second Substitute House Bill No. 758 is approved."

## CHAPTER 507

[Substitute Senate Bill No. 5622]  
TEACHER ASSISTANCE PROGRAM

AN ACT Relating to teachers; amending section 1, chapter 399, Laws of 1985 (uncodified); adding a new section to chapter 28A.67 RCW; repealing section 3, chapter 399, Laws of 1985 (uncodified); declaring an emergency; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

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))~~ teacher 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," "beginning teachers," and experienced 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, or experienced teachers, or both, both in and outside the classroom. ~~((Mentor teachers shall be selected so as to represent a reasonable distribution throughout all nine educational service districts))~~ A mentor teacher may not be involved in evaluations under RCW 28A.67.065 of a teacher who receives assistance from said mentor teacher under the teacher assistance program established under this chapter. The mentor teachers shall also periodically inform their principals respecting the contents of training sessions and other program activities;

(2) Stipends for mentor teachers and beginning 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, and experienced teachers opportunities to jointly observe and evaluate teaching situations and to give ~~((the))~~ mentor teachers opportunities to observe and assist ~~((the))~~ beginning and experienced teachers in the classroom; ~~((and))~~

(5) ~~((A))~~ Mentor teachers ~~((to be a))~~ who are superior teachers based on ((his or her)) their evaluations, pursuant to chapter 28A.67 RCW, and ((to)) who hold ((a)) valid continuing certificates;

(6) Mentor teachers shall be selected by the district. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process.

(7) 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

(8) 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. Section 3, chapter 399, Laws of 1985 (uncodified) is hereby repealed.

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 June 15, 1987.

Passed the Senate March 17, 1987.

Passed the House April 24, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 508

[Senate Bill No. 6053]

### EDUCATIONAL SERVICE DISTRICTS—POWERS AND DUTIES

AN ACT Relating to educational service districts; and amending RCW 28A.21.090, 28A.21.310, 28A.21.086, and 28A.41.540.

Be it enacted by the Legislature of the State of Washington:

**\*Sec. 1. Section 9, chapter 176, Laws of 1969 ex. sess. as last amended by section 3, chapter 56, Laws of 1983 and RCW 28A.21.090 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) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter.**



**(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chairman or a majority of the board.**

**(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.21.100, as now or hereafter amended.**

**(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding.**

**(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district.**

**(6) Acquire by directly borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes: PROVIDED, That no real property shall be acquired or alienated without the prior approval of the state board of education and the acquisition or alienation of all such property shall be subject to such provisions as the board may establish.**

**(7) Adopt such bylaws and rules and regulations for its own operation as it deems necessary or appropriate.**

**(8) Enter into contracts, including contracts with common and educational service districts for the joint financing of cooperative service programs conducted pursuant to RCW 28A.21.086(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.**

\*Sec. 1 was vetoed, see message at end of chapter.

Sec. 2. Section 2, chapter 210, Laws of 1977 ex. sess. and RCW 28A.21.310 are each amended to read as follows:

The board of any educational service district may enter into contracts for their respective districts for periods not exceeding ~~((five))~~ twenty years in duration with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space, portable buildings, security systems, computers and other equipment; and

(2) To have maintained and repaired security systems, computers and other equipment.

The budget of each educational service district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.65.465 and 28A.21.135, as now or hereafter amended.

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.

Passed the Senate April 26, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

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## CHAPTER 509

[Engrossed Senate Bill No. 5571]

### GRAIN INDEMNITY FUND PROGRAM

AN ACT Relating to the grain indemnity fund for grain warehouse and dealer licenses; amending RCW 22.09.060, 22.09.090, 22.09.100, 22.09.570, and 22.09.610; adding new sections to chapter 22.09 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 6, chapter 124, Laws of 1963 as last amended by section 24, chapter 305, Laws of 1983 and RCW 22.09.060 are each amended to read as follows:

Except as provided in section 7(2) of this 1987 act, no warehouse or grain dealer license may be issued to an applicant before a bond ((or)), certificate of deposit, or other security is given to the department as provided in RCW 22.09.090, or in section 3 of this 1987 act. No warehouse license may be issued to an applicant before a certificate of insurance as provided in RCW 22.09.110 has been filed with the department.

Sec. 2. Section 9, chapter 124, Laws of 1963 as last amended by section 27, chapter 305, Laws of 1983 and RCW 22.09.090 are each amended to read as follows:

(1) (~~Before any person is granted~~) An applicant for a warehouse or grain dealer license pursuant to the provisions of this chapter (~~(the person)~~) shall give a bond to the state of Washington executed by the applicant as the principal and by a corporate surety licensed to do business in this state as surety.

(2) The bond required under this section for the issuance of a warehouse license shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount that will be required for the warehouse bond which shall be computed at a rate of not less than fifteen cents nor more than thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the applicant furnishing the bond. The applicant for a warehouse license may give a single bond meeting the requirements of this chapter, and all warehouses operated by the warehouseman are deemed to be one warehouse for the purpose of the amount of the bond required under this subsection. Any change in the capacity of a warehouse or addition of any new warehouse involving a change in bond liability under this chapter shall be immediately reported to the department.

(3) The bond required under this section for the issuance of a grain dealer license shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount that will be required for the dealer bond which shall be computed at a rate not less than six percent nor more than twelve percent of the sales of agricultural commodities purchased by the dealer from producers during the dealer's last completed fiscal year or in the case of a grain dealer who has been engaged in business as a grain dealer less than one year, the estimated aggregate dollar amount to be paid by the dealer to producers for agricultural commodities to be purchased by the dealer during the dealer's first fiscal year.

(4) An applicant making application for both a warehouse license and a grain dealer license may satisfy the bonding requirements set forth in subsections (2) and (3) of this section by giving to the state of Washington a single bond for the issuance of both licenses, which bond shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount of the bond which shall be computed at a rate of not less than fifteen cents nor more than thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the applicant furnishing the bond, or at the rate of not less than

six percent nor more than twelve percent of the gross sales of agricultural commodities of the applicant whichever is greater.

(5) The bonds required under this ~~((section))~~ chapter shall be approved by the department and shall be conditioned upon the faithful performance by the licensee of the duties imposed upon him by this chapter. If a person has applied for warehouse licenses to operate two or more warehouses in this state, the assets applicable to all warehouses, but not the deposits except in case of a station, are subject to the liabilities of each. The total and aggregate liability of the surety for all claims upon the bond ~~((are))~~ is limited to the face amount ~~((specified in))~~ of the bond.

(6) Any person required to submit a bond to the department under this chapter has the option to give the department a certificate of deposit or other security acceptable to the department payable to the director as trustee, in lieu of a bond or a portion thereof. The principal amount of the certificate or other security shall be the same as that required for a surety bond under this chapter or may be in an amount which, when added to the ~~((applicant's))~~ bond, will satisfy the licensee's requirements for a surety bond under this chapter, and the interest thereon shall be made payable to the purchaser of the certificate or other security. The certificate of deposit or other security shall remain on deposit until it is released, canceled, or discharged as provided for by rule of the department. The provisions of this chapter that apply to a bond required under this chapter apply to each certificate of deposit or other security given in lieu of such a bond.

(7) The department may, when it has reason to believe that a grain dealer does not have the ability to pay producers for grain purchased, or when it determines that the grain dealer does not have a sufficient net worth to outstanding financial obligations ratio, or when it believes there may be claims made against the bond in excess of the face amount of the bond, require a grain dealer to post an additional bond in a dollar amount deemed appropriate by the department or may require an additional certificate of deposit or other security. The additional bonding or other security may exceed the maximum amount of the bond otherwise required under this ~~((section))~~ chapter. Failure to post the additional bond ~~((or))~~, certificate of deposit, or other security constitutes grounds for suspension or revocation of a license issued under this chapter.

(8) Notwithstanding any other provisions of this chapter, the license of a warehouseman or grain dealer shall automatically be suspended in accordance with RCW 22.09.100 for failure at any time to have or to maintain a bond ~~((or))~~, certificate of deposit, ~~((or both,))~~ or other security or combination thereof in the amount and type required by this chapter. The department shall remove the suspension or issue a license as the case may be, when the required bond ~~((or))~~, certificate of deposit, or other security has been obtained.

NEW SECTION. Sec. 3. (1) Two or more applicants for a warehouse or grain dealer license may provide a single bond to the state of Washington, executed by a corporate surety licensed to do business in this state and designating each of the applicants as a principal on said bond.

(2) The department shall promulgate rules establishing the amount of the bond required under this section. In no event shall that amount be less than ten percent of the aggregate amount of each of the bonds that would be required of the applicants under RCW 22.09.090 or less than the amount that would be required under RCW 22.09.090 for the applicant having the highest bond requirement under that section.

Sec. 4. Section 10, chapter 124, Laws of 1963 as amended by section 28, chapter 305, Laws of 1983 and RCW 22.09.100 are each amended to read as follows:

(1) Every bond filed with and approved by the department shall without the necessity of periodic renewal remain in force and effect until such time as the warehouseman(~~(s)~~) or grain dealer license of each principal on the bond is revoked ((for cause)) or otherwise canceled.

(2) The surety on a bond, as provided in this chapter, shall be released and discharged from all liability to the state ~~((accruing on the bond after))<sub>2</sub> as to a principal whose license is revoked or canceled, which liability accrues after the expiration of thirty days from the effective date ((a warehouseman's license is revoked for cause or otherwise terminated or after the expiration of ninety days from the date upon which the surety lodged with the department a written request to be released and discharged, but this provision shall not))~~ of the revocation or cancellation of the license. The surety on a bond under this chapter shall be released and discharged from all liability to the state accruing on the bond after the expiration of ninety days from the date upon which the surety lodges with the department a written request to be released and discharged. Nothing in this section shall operate to relieve, release, or discharge the surety from any liability ((at-ready accrued or that has accrued)) which accrues before the expiration of the respective thirty or ninety-day period. In the event of a cancellation by the surety, the surety shall simultaneously send the notification of cancellation in writing to any other governmental agency requesting it. Upon receiving any such request, the department shall promptly notify the principal or principals who furnished the bond, and unless the principal or principals file((s)) a new bond on or before the expiration of the respective thirty or ninety-day period, the department shall forthwith cancel the ((principal's)) license of the principal or principals whose bond has been canceled.

Sec. 5. Section 29, chapter 7, Laws of 1975 1st ex. sess. as amended by section 56, chapter 305, Laws of 1983 and RCW 22.09.570 are each amended to read as follows:

The director may bring action upon the bond of a warehouseman or grain dealer against both principal against whom a claim has been made

and the surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter or the rules adopted hereunder. Recovery for damages against a warehouseman or grain dealer on a bond furnished under section 3 of this 1987 act shall be limited to the bond amount that would be required for that warehouseman or grain dealer under RCW 22.09.090.

Sec. 6. Section 33, chapter 7, Laws of 1975 1st ex. sess. as amended by section 60, chapter 305, Laws of 1983 and RCW 22.09.610 are each amended to read as follows:

Upon the refusal of the surety company to pay the demand, the director may thereupon bring an action on the warehouseman's or grain dealer's bond in behalf of the depositor creditors. Upon any action being commenced on the bond, the director may require the filing of a new bond, and immediately upon the recovery in any action on the bond, ~~((the warehouseman or grain dealer shall file))~~ a new bond shall be filed. The failure to file the new bond or otherwise satisfy the security requirements of this chapter within ten days in either case constitutes grounds for the suspension or revocation of the ~~((warehouseman's or grain dealer's))~~ license of any principal on the bond.

NEW SECTION. Sec. 7. (1) The provisions of this section and sections 9 through 20 of this act constitute the grain indemnity fund program. Sections 9 through 20 of this act shall take effect on a date specified by the director but within ninety days after receipt by the director of a petition seeking implementation of the grain indemnity fund program provided for in this chapter and a determination by the director, following a public hearing on said petition, that a grain indemnity fund program is in the interest of the agricultural industry of this state. The petition shall be signed by licensees of at least thirty-three percent of the grain warehouses and thirty-three percent of the grain dealers. At least sixty days in advance, the director shall notify each licensed warehouse and grain dealer of the effective date of the grain indemnity fund program provisions.

(2) The grain indemnity fund program, if activated by the director, shall be in lieu of the bonding and security provisions of RCW 22.09.090 and section 3 of this act.

NEW SECTION. Sec. 8. (1) There is hereby established a fund to be known as the grain indemnity fund. The grain indemnity fund shall consist of assessments remitted by licensees pursuant to the provisions of sections 9 through 11 of this act and any interest or earnings on the fund balance.

(2) All assessments shall be paid to the department and shall be deposited in the grain indemnity fund. The state treasurer shall be the custodian of the grain indemnity fund. Disbursements shall be on authorization of the director. No appropriation is required for disbursements from this fund.



(3) The grain indemnity fund shall be used exclusively for purposes of paying claimants pursuant to this chapter, and paying necessary expenses of administering the grain indemnity fund, provided however, that one-half of the interest accumulated by the fund may be paid to the department to defray costs of administering the warehouse audit program. The state of Washington shall not be liable for any claims presented against the fund.

**NEW SECTION.** Sec. 9. (1) Every licensed warehouse and grain dealer and every applicant for any such license shall pay assessments to the department for deposit in the grain indemnity fund according to the provisions of sections 7 through 20 of this act and rules promulgated by the department to implement this chapter.

(2) The rate of the assessments shall be established by rule, provided however, that no single assessment against a licensed warehouse or grain dealer or applicant for any such license shall exceed five percent of the bond amount that would otherwise have been required of such grain dealer, warehouseman, or license applicant under RCW 22.09.090.

**NEW SECTION.** Sec. 10. (1) The department shall establish the initial assessment within sixty days of the activation of the grain indemnity fund program pursuant to section 7 of this act. Immediately upon promulgation of the rule, the department shall issue notice to each licensed warehouse and grain dealer of the assessment owed. The initial assessment and assessments issued thereafter shall be paid within thirty days of the date posted on the assessment notice.

(2) The surety bond or other security posted by a licensed warehouse or grain dealer in effect immediately preceding the effective date of the grain indemnity fund program, shall remain in full force and effect and shall not be released until thirty days after the initial assessment is paid. A certificate of deposit or other security in effect immediately preceding the effective date of the grain indemnity fund program shall remain on deposit until the initial assessment is paid and until such certificate of deposit or other security is released by the department following a prompt determination that no outstanding claims are pending against the security.

(3) Each new applicant for a warehouse or grain dealer license shall pay the assessment imposed pursuant to section 9 of this act at the time of application. No license to operate as a grain dealer or grain warehouse or both shall be issued until such assessment is paid.

Notwithstanding the provisions of section 9(2) of this act, new applicants shall pay annual assessments into the grain indemnity fund for an equivalent number of years as those participating at the inception of the grain indemnity fund program and who continue to participate in the grain indemnity fund program.

**NEW SECTION.** Sec. 11. The assessments imposed pursuant to section 9 of this act shall be imposed annually, under rules promulgated by the

department, until such time as the grain indemnity fund balance, less any outstanding claims, reaches three million dollars. For any year in which the grain indemnity fund balance, less any outstanding claims, exceeds three million dollars on the annual assessment date, no assessment shall be imposed by the department, except as provided in section 10(3) or 12 of this act.

**NEW SECTION.** Sec. 12. The department may, when it has reason to believe that a licensee does not have the ability to pay producers for grain purchased, or when it determines that the licensee does not have a sufficient net worth to outstanding financial obligations ratio, require from the licensee the payment of an additional assessment or, at the department's option, the posting of a bond or other additional security in an amount to be prescribed by rule. The additional assessment or other security may exceed the maximum amount set forth in section 9 of this act. Failure of the licensee to timely pay the additional assessment or post the additional bond or other security constitutes grounds for suspension or revocation of a license issued under this chapter.

**NEW SECTION.** Sec. 13. (1) There is hereby created a grain indemnity fund advisory committee consisting of six members to be appointed by the director. The director shall make appointments to the committee no later than seven days following the date this section becomes effective pursuant to section 7 of this act. Of the initial appointments, three shall be for two-year terms and three shall be for three-year terms. Thereafter, appointments shall be for three-year terms, each term ending on the same day of the same month as did the term preceding it. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the predecessor's term.

(2) The committee shall be composed of two producers primarily engaged in the production of agricultural commodities, two licensed grain dealers, and two licensed grain warehousemen.

(3) The committee shall meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. Each committee member shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel and subsistence expense under RCW 43.03.050 and 43.03.060. The expenses of the committee and its operation shall be paid from the grain indemnity fund.

(4) The committee shall have the power and duty to advise the director concerning assessments, administration of the grain indemnity fund, and payment of claims from the fund.

**NEW SECTION.** Sec. 14. In the event a grain dealer or warehouse fails, as defined in RCW 22.09.011(21), or otherwise fails to comply with

the provisions of this chapter or rules promulgated hereunder, the department shall process the claims of depositors producing written evidence of ownership disclosing a storage obligation or written evidence of a sale of commodities for damages caused by the failure, in the following manner:

(1) The department shall give notice and provide a reasonable time, not to exceed thirty days, to depositors possessing written evidence of ownership disclosing a storage obligation or written evidence of sale of commodities to file their written verified claims with the department.

(2) The department may investigate each claim and determine whether the claimant's commodities are under a storage obligation or whether a sale of commodities has occurred. The department shall notify each claimant, the grain warehouseman or grain dealer, and the committee of the department's determination as to the validity and amount of each claimant's claim. A claimant, warehouseman, or grain dealer may request a hearing on the department's determination within twenty days of receipt of written notification and a hearing shall be held by the department pursuant to chapter 34.04 RCW. Upon determining the amount and validity of the claim, the director shall pay the claim from the grain indemnity fund.

(3) The department may inspect and audit a failed warehouseman, as defined by RCW 22.09.011(21) to determine whether the warehouseman has in his possession, sufficient quantities of commodities to cover his storage obligations. In the event of a shortage, the department shall determine each depositor's pro rata share of available commodities and the deficiency shall be considered as a claim of the depositor. Each type of commodity shall be treated separately for the purpose of determining shortages.

NEW SECTION. Sec. 15. If a depositor or creditor, after notification, refuses or neglects to file in the office of the director his verified claim against a warehouseman or grain dealer as requested by the director within thirty days from the date of the request, the director shall thereupon be relieved of responsibility for taking action with respect to such claim later asserted and no such claim shall be paid from the grain indemnity fund.

NEW SECTION. Sec. 16. Subject to the provisions of sections 17 and 18 of this act and to a maximum payment of seven hundred fifty thousand dollars on all claims against a single licensee, approved claims against a licensed warehouseman or licensed grain dealer shall be paid from the grain indemnity fund in the following amounts:

(1) Approved claims against a licensed warehouseman shall be paid in full;

(2) Approved claims against a licensed grain dealer for payments due within thirty days of transfer of title shall be paid in full for the first twenty-five thousand dollars of the claim. The amount of such a claim in excess of twenty-five thousand dollars shall be paid to the extent of eighty percent;

(3) Approved claims against a licensed grain dealer for payments due between thirty and ninety days of transfer of title shall be paid to the extent of eighty percent;

(4) Approved claims against a licensed grain dealer for payments due after ninety days from transfer of title shall be paid to the extent of seventy-five percent;

(5) In the event that approved claims against a single licensee exceed seven hundred fifty thousand dollars, recovery on those claims shall be prorated.

**NEW SECTION.** Sec. 17. In addition to the payment limitations imposed by section 16 of this act, payment of any claim approved before the grain indemnity fund first reaches a balance of one million two hundred fifty thousand dollars, shall be limited to the following amounts:

(1) For claims against a licensed grain warehouse, payment shall not exceed the lesser of seven hundred fifty thousand dollars or an amount equal to the licensee's total bushels of licensed storage space multiplied by the rate of eighteen cents.

(2) For claims against a licensed grain dealer, payment shall not exceed the lesser of seven hundred fifty thousand dollars or an amount equal to six percent of the gross purchases of the licensee during the licensee's immediately preceding fiscal year.

(3) The unpaid balance of any claim subject to this section shall be paid when the grain indemnity fund first reaches a balance of one million two hundred fifty thousand dollars, provided that the total paid on the claim shall not exceed the limits specified in section 16 of this act.

**NEW SECTION.** Sec. 18. The requirement that the state of Washington pay claims under this chapter only exists so long as the grain indemnity fund contains sufficient money to pay the claims. Under no circumstances whatsoever may any funds (other than assessment amounts and other money obtained under this chapter) be used to pay claims. In the event that the amount in the grain indemnity fund is insufficient to pay all approved claims in the amount provided for under section 16 or 17 of this act, the claims shall be paid in the order in which they were filed with the department, until such time as sufficient moneys are available in the grain indemnity fund to pay all of the claims.

**NEW SECTION.** Sec. 19. Amounts paid from the grain indemnity fund in satisfaction of any approved claim shall constitute a debt and obligation of the grain dealer or warehouseman against whom the claim was made. On behalf of the grain indemnity fund, the director may bring suit, file a claim, or intervene in any legal proceeding to recover from the grain dealer or warehouseman the amount of the payment made from the grain indemnity fund, together with costs and attorneys' fees incurred. In instances where the superior court is the appropriate forum for a recovery action,

the director may elect to institute the action in the superior court of Thurston county.

**NEW SECTION.** Sec. 20. The department may deny, suspend, or revoke the license of any grain dealer or warehouseman who fails to timely pay assessments to the grain indemnity fund or against whom a claim has been made, approved, and paid from the grain indemnity fund. Proceedings for the denial, suspension, or revocation shall be subject to the provisions of chapter 34.04 RCW.

**NEW SECTION.** Sec. 21. Sections 3 and 7 through 20 of this act are each added to chapter 22.09 RCW.

**NEW SECTION.** Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 23. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 8, 1987.

Passed the House April 6, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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## CHAPTER 510

[Senate Bill No. 5129]

### FIRST AVENUE SOUTH BRIDGE

AN ACT Relating to the First Avenue South bridge; and adding a new section to chapter 47.56 RCW.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. A new section is added to chapter 47.56 RCW to read as follows:

(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.

(3) The commission shall seek additional funding for the bridge from local sources, including the city, county, and port district. Any funding obtained from local sources shall be matched by an equal amount of category C state funds under chapter 47.05 RCW.

**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.

Passed the Senate April 20, 1987.

Passed the House April 14, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 511

[Engrossed Substitute House Bill No. 26]

### LOTTERY—COMMISSION AND DIRECTOR POWERS AND DUTIES MODIFIED— EXPIRATION DATE OF STATUTE EXTENDED

AN ACT Relating to the lottery; amending RCW 67.70.010, 67.70.040, 67.70.050, 67.70.055, 67.70.070, 67.70.120, 67.70.180, 67.70.190, 67.70.200, 67.70.240, 67.70.250, 67.70.260, 67.70.300, 67.70.320, 67.70.330, and 67.70.900; repealing RCW 67.70.020; prescribing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67-70.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Commission" means the state lottery commission established by this chapter;

(2) "Lottery" or "state lottery" means the lottery established and operated pursuant to this chapter;

(3) "Director" means the director of the state lottery ((commission)) established by this chapter.

\*Sec. 2. Section 4, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 1, chapter 375, Laws of 1985 and RCW 67.70.040 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares, or the use of electronic or mechanical devices or video terminals which do not require a printed ticket: PROVIDED, That approval of the legislature shall be required before entering any agreement with other state lotteries to conduct shared games;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;

(f) The frequency of the drawings or selections of winning tickets or shares, without limitation;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;

(h) The method to be used in selling tickets or shares, which may include the use of electronic or mechanical devices and video terminals;

(i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;

***(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment***

***of prizes to the holders of winning tickets or shares, which shall ((not be less than)) be equal to forty-five percent of the gross annual revenue from such lottery, (ii) transfers to the lottery administrative account created by RCW 67.70.260, and (iii) transfer to the state's general fund. Transfers to the state general fund shall be made in compliance with RCW 43.01.050;***

(1) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.

(4) To advise and make recommendations to the director for the operation and administration of the lottery.

**\*Sec. 2 was partially vetoed, see message at end of chapter.**

Sec. 3. Section 5, chapter 7, Laws of 1982 2nd ex. sess. as last amended by section 21, chapter 158, Laws of 1986 and RCW 67.70.050 are each amended to read as follows:

There is created the office of director of the state lottery. The director shall be appointed by the governor with the consent of the senate. The director shall serve at the pleasure of the governor and shall receive such salary as is determined by the governor, but in no case may the director's salary be more than ninety percent of the salary of the governor. The director shall:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules of the commission.

(2) Appoint such deputy and assistant directors as may be required to carry out the functions and duties of his office: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such deputy and assistant directors.

(3) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such employees as are engaged in undercover audit or investigative work or security operations but shall apply to other employees appointed by the director, except as provided for in subsection (2) of this section.

(4) In accordance with the provisions of this chapter and the rules of the commission, license as agents to sell or distribute lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from ((every))



any licensed agent, in such amount as provided in the rules of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules of the commission. License fees may be established by the commission, and, if established, shall be deposited in the state lottery account created by RCW 67.70.230.

(5) Confer regularly as necessary or desirable with the commission on the operation and administration of the lottery; make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; and advise the commission and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery.

(6) Subject to the applicable laws relating to public contracts, enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission: PROVIDED, That nothing in this chapter authorizes the director to enter into public contracts for the regular and permanent administration of the lottery after the initial development and implementation.

(7) Certify quarterly to the state treasurer and the commission a full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding quarter.

(8) Publish quarterly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding quarter, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature, and including such recommendations for changes in this chapter as the director deems necessary or desirable.

(9) Report immediately to the governor and the legislature any matters which require immediate changes in the laws of this state in order to prevent abuses and evasions of this chapter or rules promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

(10) Carry on a continuous study and investigation of the lottery throughout the state: (a) For the purpose of ascertaining any defects in this chapter or in the rules issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules may arise or be practiced, (b) for the purpose of formulating recommendations for changes in this chapter and the rules promulgated thereunder to prevent such abuses and evasions, (c) to guard against the use of this chapter and the rules issued thereunder as a cloak for the carrying on of professional gambling and crime, and (d) to insure that this chapter and rules shall be in such form and be so administered as to serve the true purposes of this chapter.

(11) Make a continuous study and investigation of: (a) The operation and the administration of similar laws which may be in effect in other states or countries, (b) The operation of an additional game or games for the benefit of a particular program or purpose, (c) any literature on the subject which from time to time may be published or available, ~~((c))~~ (d) any federal laws which may affect the operation of the lottery, and ~~((d))~~ (e) the reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

(12) Have all enforcement powers granted in chapter 9.46 RCW.

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 4. Section 2, chapter 4, Laws of 1986 and RCW 67.70.055 are each amended to read as follows:

The director, deputy directors, ~~((and))~~ any assistant directors, and employees of the state lottery and ~~((a))~~ members ~~((or employee))~~ of the lottery commission shall not:

(1) Serve as an officer or manager of any corporation or organization which conducts a lottery or gambling activity;

(2) Receive or share in, directly or indirectly, the gross profits of any lottery or other gambling activity regulated by the gambling commission;

(3) Be beneficially interested in any contract for the manufacture or sale of gambling devices, the conduct of a lottery or other gambling activity, or the provision of independent consultant services in connection with a lottery or other gambling activity.

***\*Sec. 5. Section 7, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.070 are each amended to read as follows:***

***No license as an agent to sell lottery tickets or shares may be issued to any person to engage in business exclusively as a lottery sales agent. Before issuing a license the director shall consider such factors as: (1) The financial responsibility and security of the person and his business or activity, (2) the accessibility of his place of business or activity to the public, (3) the sufficiency of existing licenses to serve the public convenience, ~~((and))~~ (4) the volume of expected sales, and (5) conformance to local zoning codes.***

***Before issuing a license, the director shall provide written notice to the executive bodies of the counties, cities, and towns in which the person requesting a license proposes to sell tickets. If the appropriate executive body notifies the lottery within thirty days that the location to be licensed is not in conformance with local zoning codes, the director shall deny the license.***

***For purposes of this section, the term "person" means an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a***

***fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" does not mean any department, commission, agency, or instrumentality of the state, or any county or municipality or any agency or instrumentality thereof, except for retail outlets of the state liquor control board.***

**\*Sec. 5 was vetoed, see message at end of chapter.**

Sec. 6. Section 12, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.120 are each amended to read as follows:

A ticket or share shall not be sold to any person under the age of eighteen, but this shall not be deemed to prohibit the purchase of a ticket or share for the purpose of making a gift by a person eighteen years of age or older to a person less than that age. Any licensee who knowingly sells or offers to sell a lottery ticket or share to any person under the age of eighteen is guilty of a misdemeanor. In the event that a person under the age of eighteen years directly purchases a ticket in violation of this section, that person is guilty of a misdemeanor. No prize will be paid to such person and the prize money otherwise payable on the ticket will be treated as unclaimed pursuant to RCW 67.70.190.

Sec. 7. Section 18, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.180 are each amended to read as follows:

A ticket or share shall not be purchased by, and a prize shall not be paid to any member of the commission, the director, or an employee of the ((~~commission~~)) lottery or to any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any member of the commission, the director or an employee of the ((~~commission~~)) lottery.

A violation of this section is a misdemeanor.

Sec. 8. Section 19, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.190 are each amended to read as follows:

Unclaimed prizes shall be retained in the state lottery ((~~fund~~)) account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, the prize shall be retained in the state lottery fund for further use as prizes and all rights to the prize shall be extinguished.

Sec. 9. Section 20, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.200 are each amended to read as follows:

The director, in his discretion, may require any or all lottery sales agents to deposit to the credit of the state lottery ((~~fund~~)) account in banks designated by the state treasurer, all moneys received by such agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of the tickets or shares, and to file with the director or his designated agents, reports of their receipts and transactions in the

sale of lottery tickets in such form and containing such information as he may require. The director may make such arrangements for any person, including a bank, to perform such functions, activities, or services in connection with the operation of the lottery as he or she may deem advisable pursuant to this chapter and the rules of the commission, and such functions, activities, or services shall constitute lawful functions, activities, and services of such person.

**\*Sec. 10. Section 24, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 5, chapter 375, Laws of 1985 and RCW 67.70.240 are each amended to read as follows:**

***The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 ~~((and));~~ (3) for purposes of making deposits into the lottery administrative account created by RCW 67.70.260; ~~((3))~~ (4) for purposes of making deposits into the state's general fund ~~((4) for the purchase and promotion of lottery games and game-related services);~~ and (5) for the payment of agent compensation. Payments and deposits under subsections (1) and (2) of this section shall not exceed forty-five percent of the gross annual revenue from the lottery.***

***The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.***

**\*Sec. 10 was vetoed, see message at end of chapter.**

**Sec. 11. Section 25, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.250 are each amended to read as follows:**

If the director decides to pay any portion of or all of the prizes in the form of instalments over a period of years, the director shall provide for the payment of all such instalments for any specific lottery game by one, but not both, of the following methods:

(1) The director may enter into contracts with any financially responsible person or firm providing for the payment of such instalments; or

(2) The director may establish and maintain a reserve account into which shall be placed sufficient moneys for the director to pay such instalments as they become due. Such reserve account shall be maintained as a separate and independent fund outside the state treasury.

**\*Sec. 12. Section 26, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 6, chapter 375, Laws of 1985 and RCW 67.70.260 are each amended to read as follows:**

***There is hereby created the lottery administrative account in the state treasury. The account shall be managed, controlled, and maintained by the director. The legislature may appropriate from the account for the payment***

**of costs incurred in the operation and administration of the lottery, including costs of the purchase and promotion of lottery games and game-related services.**

\*Sec. 12 was vetoed, see message at end of chapter.

Sec. 13. Section 30, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.300 are each amended to read as follows:

The attorney general may investigate violations of this chapter, and of the criminal laws within this state, by the commission, the director, or ((its)) the director's employees, licensees, or agents, in the manner prescribed for criminal investigations in RCW 43.10.090.

Sec. 14. Section 32, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.320 are each amended to read as follows:

The director of financial management shall select a certified public accountant to verify that:

(1) The manner of selecting the winning tickets or shares is consistent with this chapter; and

(2) The manner and time of payment of prizes to the holder of winning tickets or shares is consistent with this chapter. The cost of these services shall be paid from moneys placed within the (~~revolving fund~~) lottery administrative account created in RCW 67.70.260.

Sec. 15. Section 33, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.330 are each amended to read as follows:

The director shall have the power to enforce this chapter and the penal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, the deputy director, assistant directors, and each of the (~~commission's~~) director's investigators, enforcement officers, and inspectors shall have the power to enforce this chapter and the penal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of this chapter and the penal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of this chapter and the penal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in

connection therewith. To the extent set forth in this section, the ((~~commission~~)) office of the director shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter and to obtain information from and provide information to all other law enforcement agencies.

Sec. 16. Section 34, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.900 are each amended to read as follows:

This chapter shall expire July 1, ((1987)) 1992, unless extended by law. The legislative budget committee shall evaluate the effectiveness of this chapter. The final report of the evaluation shall be available to the legislature at least six months prior to the scheduled termination date. The report shall include, but is not limited to, objective findings of fact, conclusions, and recommendations as to continuation, modification, or termination of this chapter.

NEW SECTION. Sec. 17. Section 2, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.020 are each repealed.

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.

Passed the House April 23, 1987.

Passed the Senate April 20, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 2(1)(k), 5, 10 and 12, Engrossed Substitute House Bill No. 26, entitled:

"AN ACT Relating to the lottery."

Section 2(1)(k) and portions of section 10 would require the Lottery to pay out exactly 45% of revenue as prizes. This requirement is technically impractical, since it is not possible to predict when Lotto prizes will be won. The present language requiring prize payments "not be less than forty-five percent" is preferable.

Section 5 requires the Lottery to notify local governments prior to the licensing of a business to sell lottery tickets, and provides for the denial of a license if the business is a non-conforming use. The Lottery currently has 3,900 retail outlets and issues approximately 600 new licenses per year. Notification of the appropriate executive bodies would place an unreasonable administrative burden on the agency. To address the needs of local governments, the Lottery has developed procedures that require prospective licensees to obtain permission from the local executive body if they are non-conforming uses.

Sections 10 and 12 require that costs of advertising and game-related services be appropriated. The current system under which these costs are budgeted and allotted, but not appropriated, has been satisfactory. The restriction would deny the Lottery the flexibility it needs to carry out its program and respond to changing conditions.

With the exception of Sections 2(1)(k), 5, 10 and 12, Engrossed Substitute House Bill No. 26 is approved."

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## CHAPTER 512

[Substitute House Bill No. 129]

### OMNIBUS CREDENTIALING ACT FOR COUNSELORS

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

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The qualifications and practices of counselors in this state are virtually unknown to potential clients. Beyond the regulated practices of psychiatry and psychology, there are a considerable variety of disciplines, theories, and techniques employed by other counselors under a number of differing titles. The legislature recognizes the right of all counselors to practice their skills freely, consistent with the requirements of the public health and safety, as well as the right of individuals to choose which counselors best suit their needs and purposes. This chapter shall not be construed to require or prohibit 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 registered or certified under this chapter.

**NEW SECTION.** Sec. 2. No person may, for a fee or as a part of his or her position as an employee of a state agency, practice counseling without being registered to practice by the department of licensing under this chapter unless exempt under section 4 of this act. No person may represent himself or herself as a certified social worker, certified mental health counselor, or certified marriage and family therapist without being so certified by the department of licensing under this chapter.

**NEW SECTION.** Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Certified marriage and family therapist" means a person certified to practice marriage and family therapy pursuant to section 14 of this act.

(2) "Certified mental health counselor" means a person certified to practice mental health counseling pursuant to section 13 of this act.

(3) "Certified social worker" means a person certified to practice social work pursuant to section 12 of this act.

(4) "Client" means an individual who receives or participates in counseling or group counseling.

(5) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to

assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

(6) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

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

(8) "Director" means the director of the department or the director's designee.

**NEW SECTION.** Sec. 4. Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling by a person without a mandatory charge;

(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;

(5) Evaluation, consultation, planning, policy-making, research, or related services conducted by social scientists for private corporations or public agencies;

(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;

(7) Counselors whose residency is not Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they don't hold themselves out to be registered or certified in Washington state.

**NEW SECTION.** Sec. 5. (1) In addition to any other authority provided by law, the director has the following authority:



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

(b) To set all certification, registration, and renewal fees in accordance with RCW 43.24.086 and to collect and deposit all such fees in the health professions account established under RCW 43.24.072;

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

(d) To hire clerical, administrative, and investigative staff as needed to implement this chapter;

(e) To issue a registration to any applicant who has met the requirements for registration;

(f) To set educational, ethical, and professional standards of practice for certification;

(g) To prepare and administer or cause to be prepared and administered an examination for all qualified applicants for certification;

(h) To establish criteria for evaluating the ability and qualifications of persons applying for a certificate, including standards for passing the examination and standards of qualification for certification to practice;

(i) To evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate and to establish standards and procedures for accepting alternative training in lieu of such graduation;

(j) To issue a certificate to any applicant who has met the education, training, and conduct requirements for certification;

(k) To set competence requirements for maintaining certification; and

(l) To develop a dictionary of recognized professions and occupations providing counseling services to the public included under this chapter.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certifications and registrations and the discipline of certified practitioners and registrants under this chapter. The director shall be the disciplining authority under this chapter. The absence of educational or training requirements for counselors registered under this chapter or the counselor's use of nontraditional nonabusive therapeutic techniques shall not, in and of itself, give the director authority to unilaterally determine the training and competence or to define or restrict the scope of practice of such individuals.

(3) The department shall publish and disseminate information in order to educate the public about the responsibilities of counselors and the rights and responsibilities of clients established under this chapter. Solely for the purposes of administering this education requirement, the director shall assess an additional fee for each registration and certification application and renewal, equal to five percent of the fee. The revenue collected from the assessment fee may be appropriated by the legislature for the department's

use in educating consumers pursuant to this section. The authority to charge the assessment fee shall terminate on June 30, 1994.

**NEW SECTION.** Sec. 6. Persons registered or certified under this chapter shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the department, that will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information provided by the counselor, the receipt of which shall be acknowledged in writing by the counselor and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the department may require by rule. The disclosure information shall also include a statement that registration of an individual under this chapter does not include a recognition of any practice standards, nor necessarily imply the effectiveness of any treatment.

**NEW SECTION.** Sec. 7. (1) Within sixty days of the effective date of this section, the director shall have authority to appoint advisory committees to further the purposes of this chapter. Each such committee shall be composed of five members, one member initially appointed for a term of one year, two for terms of two years, and two for terms of three years. No person may serve as a member of the committee for more than two consecutive terms.

The director may remove any member of the advisory committees for cause as specified by rule. In the case of a vacancy, the director shall appoint a person to serve for the remainder of the unexpired term.

(2) The advisory committees shall each meet at the times and places designated by the director and shall hold meetings during the year as necessary to provide advice to the director.

Each member of an advisory committee shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committees shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of their committee.

(3) Members of an advisory committee shall be residents of this state. Each committee shall be composed of four individuals registered or certified in the category designated by the committee title, and one member who is a member of the public.

**NEW SECTION.** Sec. 8. The director shall keep an official record of all proceedings, a part of which record shall consist of a register of all applicants for registration or certification under this chapter, with the result of each application.

**NEW SECTION.** Sec. 9. The director shall issue a registration to any applicant who submits, on forms provided by the director, the applicant's name, address, occupational title, name and location of business, and other information as determined by the director, including information necessary to determine whether there are grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW. Applicants for registration shall register as counselors or may register as hypnotherapists if employing hypnosis as a modality. Applicants shall, in addition, provide in their titles a description of their therapeutic orientation, discipline, theory, or technique. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086, which shall accompany the application.

**NEW SECTION.** Sec. 10. The director shall establish by rule the procedural requirements and fees for renewal of registrations. Failure to renew shall invalidate the registration and all privileges granted by the registration. Subsequent registration will require application and payment of a fee as determined by the director under RCW 43.24.086.

**NEW SECTION.** Sec. 11. An individual registered or certified under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to section 6 of this act nor any information acquired from persons consulting the individual in a professional capacity when that information was necessary to enable the individual to render professional services to those persons except:

(1) With the written consent of that person or, in the case of death or disability, the person's personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health, or physical condition;

(2) That a person registered or certified under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of a crime or harmful act;

(3) If the person is a minor, and the information acquired by the person registered or certified under this chapter indicates that the minor was the victim or subject of a crime, the person registered or certified may testify fully upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry;

(4) If the person waives the privilege by bringing charges against the person registered or certified under this chapter;

(5) In response to a subpoena from a court of law or the director. The director may subpoena only records related to a complaint or report under chapter 18.130 RCW; or

(6) As required under chapter 26.44 RCW.

**NEW SECTION.** Sec. 12. (1) The department shall issue a certified social worker certificate to any applicant meeting the following requirements:

(a) A minimum of a master's degree from an accredited graduate school of social work approved by the director;

(b) A minimum of two years of post-master's degree social work practice under the supervision of a social worker certified under this chapter or a person deemed acceptable to the director, such experience consisting of at least thirty hours per week for two years or at least twenty hours per week for three years; and

(c) Successful completion of the examination in section 16 of this act, unless the applicant qualified under an exemption pursuant to subsection (2) of this section or section 19 of this act.

Applicants shall be subject to the grounds for denial or issuance of a conditional certificate in chapter 18.130 RCW.

(2) Except as provided in section 19 of this act, an applicant is exempt from the examination provisions of this chapter under the following conditions if application for exemption is made within twelve months after the effective date of this section:

(a) The applicant shall establish to the satisfaction of the director that he or she has been engaged in the practice of social work as defined in this chapter for two of the previous four years; and

(b) The applicant has the following academic qualifications: (i) A doctorate or master's degree in social work from an accredited graduate school of social work or comparable and equivalent educational attainment as determined by the director in consultation with the advisory committee; and (ii) two years of postgraduate social work experience under the supervision of a social worker who qualifies for certification under this chapter or under the supervision of any other professional deemed appropriate by the director.

(3) Certified social work practice is that aspect of counseling that involves the professional application of social work values, principles, and methods by individuals trained in accredited social work graduate programs and requires knowledge of human development and behavior, knowledge of social systems and social resources, an adherence to the social work code of ethics, and knowledge of and sensitivity to ethnic minority populations. It includes, but is not limited to, evaluation, assessment, treatment of psychopathology, consultation, psychotherapy and counseling, prevention and educational services, administration, policy-making, research, and education directed toward client services.

**NEW SECTION.** Sec. 13. (1) The department shall issue a certified mental health counselor certificate to any applicant meeting the following requirements:

(a) A master's or doctoral degree in mental health counseling or a related field from an approved school, or completion of at least thirty graduate semester hours or forty-five graduate quarter hours in the field of mental health counseling or the substantial equivalent in both subject content and extent of training;

(b) Postgraduate supervised mental health counseling practice that meets standards established by the director;

(c) Qualification by an examination, submission of all necessary documents, and payment of required fees; and

(d) Twenty-four months of postgraduate professional experience working in a mental health counseling setting that meets the requirements established by the director.

(2) No applicant may come before the director for examination without the initial educational and supervisory credentials as required by this chapter, except that applicants completing a master's or doctoral degree program in mental health counseling or a related field from an approved graduate school before or within eighteen months of the effective date of this section may qualify for the examination.

(3) For one year beginning on the effective date of this section, a person may apply for certification without examination. However, if the applicant's credentials are not adequate to establish competence to the director's satisfaction, the director may require an examination of the applicant during the initial certification period. For the initial certification period, an applicant shall:

(a) Submit a completed application as required by the director, who may require that the statements on the application be made under oath, accompanied by the application fee set by the director in accordance with RCW 43.24.086;

(b) Have a master's or doctoral degree in counseling or a related field from an approved school; and

(c) Have submitted a completed application as required by the director accompanied by the application fee set by the director and a request for waiver from the requirements of (b) of this subsection, with documentation to show that the applicant has alternative training and experience equivalent to formal education and supervised experience required for certification.

(4) Certified mental health practice is that aspect of counseling that involves the rendering to individuals, groups, organizations, corporations, institutions, government agencies, or the general public a mental health counseling service emphasizing a wellness model rather than an illness model in the application of therapeutic principles, methods, or procedures of mental health counseling to assist the client in achieving effective personal, organizational, institutional, social, educational, and vocational development and adjustment and to assist the client in achieving independence and autonomy in the helping relationship.

**NEW SECTION.** Sec. 14. (1) The department shall issue a certified marriage and family therapist certificate to any applicant meeting the following requirements:

(a)(i) A master's or doctoral degree in marriage and family therapy or its equivalent from an approved school that shows evidence of the following course work: (A) Marriage and family systems, (B) marriage and family therapy, (C) individual development, (D) assessment of psychopathology, (E) human sexuality, (F) research methods, (G) professional ethics and laws, and (H) a minimum of one year in the practice of marriage and family therapy under the supervision of a qualified marriage and family therapist;

(ii) Two years of postgraduate practice of marriage and family therapy under the supervision of a qualified marriage and family therapist; and

(iii) Passing scores on both written and oral examinations administered by the department for marriage and family therapists; or

(b) In the alternative, an applicant completing a master's or doctoral degree program in marriage and family therapy or its equivalent from an approved graduate school before or within eighteen months of the effective date of this section may qualify for the examination.

(2) Except as provided in section 19 of this act, an applicant is exempt from the examination provisions of this section under the following conditions if application for exemption is made within twelve months after the effective date of this section:

(a) The applicant shall establish to the satisfaction of the director that he or she has been engaged in the practice of marriage and family therapy as defined in this chapter for two of the previous four years; and

(b) The applicant has the following academic qualifications: (i) A doctorate or master's degree in marriage and family therapy or its equivalent from an approved graduate school; and (ii) two years of postgraduate experience under the supervision of a marriage and family therapist who qualifies for certification under this chapter or under the supervision of any other professional deemed appropriate by the director.

(3) The practice of marriage and family therapy is that aspect of counseling that involves the assessment and treatment of impaired marriage or family relationships including, but not limited to, premarital and postdivorce relationships and the enhancement of marital and family relationships via use of educational, sociological, and psychotherapeutic theories and techniques.

**NEW SECTION.** Sec. 15. A certificate issued under this chapter shall be renewed as determined by the director who may establish rules governing continuing competence requirements. An additional fee may be set by the director as a renewal requirement when certification has lapsed due to failure to renew prior to the expiration date.

**NEW SECTION.** Sec. 16. (1) The date and location of the examinations required under this chapter shall be established by the director. Applicants who have been found by the director to meet the other requirements for certification will be scheduled for the next examination following the filing of the application. However, the applicant will 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. The examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading thereon, and the grading of any practical work shall be preserved for a period of not less than one year after the director has published the results. All examinations shall be conducted by the director by means of 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 as the applicant desires 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 remedial education prior to admittance to future examinations.

(5) The director may approve an examination prepared or administered, or both, by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirement.

**NEW SECTION.** Sec. 17. 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 for 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, which shall accompany the application. The department shall not knowingly permit access to or use of its mailing list of certificate holders for commercial purposes.

**NEW SECTION.** Sec. 18. This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW, or in any way infringing upon the practice of psychology as defined in chapter 18.83 RCW, or restricting the scope of the practice of counseling for those registered or certified under this chapter.

**NEW SECTION.** Sec. 19. (1) Upon receiving a written application, evidence of qualification and the required fee, the department shall issue a

certificate for certification without examination to an applicant who is currently credentialed under the laws of another jurisdiction, if the requirements of the other jurisdiction are substantially equal to the requirements of this chapter.

(2) A person certified under this chapter who is or desires to be temporarily retired from practice in this state shall send written notice to the director. Upon receipt of the notice, the person shall be placed upon the nonpracticing list. While on the list, the person is not required to pay the renewal fees and shall not engage in any such practice. In order to resume practice, application for renewal shall be made in the ordinary course with the renewal fee for the current period. Persons in a nonpracticing status for a period exceeding five years shall provide evidence of current knowledge or skill, by examination, as the director may require.

NEW SECTION. Sec. 20. This chapter shall be known as the omnibus credentialing act for counselors.

Sec. 21. 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; ocularists 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; and persons registered or certified under chapter 18.— RCW (sections 1 through 20 of this 1987 act).

(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~~((s))~~," "licensing~~((s))~~," 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. 22. 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) Persons registered or certified under chapter 18.— RCW (sections 1 through 20 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.

\*Sec. 23. 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~~) persons registered or certified under chapter 18.— RCW (sections 1 through 20 of this 1987 act), psychologist, pharmacist, or employee of the department has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect, (~~he~~) that person 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 or her 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 or her 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 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) 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.

\*Sec. 23 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 24. Sections 1 through 20 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 25. A new section is added to chapter 43.131 RCW to read as follows:

The regulation of counselors, social workers, mental health counselors, and marriage and family counselors under chapter 18.— RCW (sections 1 through 20 of this act) shall be terminated on June 30, 1993, 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, 1994:

- (1) Section 1, chapter ..., Laws of 1987 and RCW 18.— (section 1 of this act);
- (2) Section 2, chapter ..., Laws of 1987 and RCW 18.— (section 2 of this act);
- (3) Section 3, chapter ..., Laws of 1987 and RCW 18.— (section 3 of this act);
- (4) Section 4, chapter ..., Laws of 1987 and RCW 18.— (section 4 of this act);
- (5) Section 5, chapter ..., Laws of 1987 and RCW 18.— (section 5 of this act);
- (6) Section 6, chapter ..., Laws of 1987 and RCW 18.— (section 6 of this act);
- (7) Section 7, chapter ..., Laws of 1987 and RCW 18.— (section 7 of this act);
- (8) Section 8, chapter ..., Laws of 1987 and RCW 18.— (section 8 of this act);
- (9) Section 9, chapter ..., Laws of 1987 and RCW 18.— (section 9 of this act);
- (10) Section 10, chapter ..., Laws of 1987 and RCW 18.— (section 10 of this act);
- (11) Section 11, chapter ..., Laws of 1987 and RCW 18.— (section 11 of this act);
- (12) Section 12, chapter ..., Laws of 1987 and RCW 18.— (section 12 of this act);
- (13) Section 13, chapter ..., Laws of 1987 and RCW 18.— (section 13 of this act);
- (14) Section 14, chapter ..., Laws of 1987 and RCW 18.— (section 14 of this act);
- (15) Section 15, chapter ..., Laws of 1987 and RCW 18.— (section 15 of this act);
- (16) Section 16, chapter ..., Laws of 1987 and RCW 18.— (section 16 of this act);
- (17) Section 17, chapter ..., Laws of 1987 and RCW 18.— (section 17 of this act);
- (18) Section 18, chapter ..., Laws of 1987 and RCW 18.— (section 18 of this act);
- (19) Section 19, chapter ..., Laws of 1987 and RCW 18.— (section 19 of this act); and
- (20) Section 20, chapter ..., Laws of 1987 and RCW 18.— (section 20 of this act).

**NEW SECTION.** Sec. 27. There is appropriated from the health professions account to the department of licensing for the biennium ending June 30, 1989, the sum of nine hundred sixty-one thousand three hundred

one dollars, or so much thereof as may be necessary, to carry out the purposes of this act. There is appropriated from the health professions account to the department of licensing the sum of forty-two thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1989, for public education.

**NEW SECTION.** Sec. 28. 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.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 23(1), Substitute House Bill No. 129, entitled:

"AN ACT Relating to counselors, social workers, mental health counselors and marriage and family therapists."

Section 23(1) adds those persons who will come under registration or certification by Substitute House Bill No. 129 to the list of persons mandated to report incidents of child or adult dependent person abuse or neglect in RCW 26.44.030.

Section 10 of Engrossed Second Substitute Senate Bill No. 5659 adds licensed or certified child care providers or their employees and juvenile probation officers to the list of mandated reporters in RCW 26.44.030. This section is an appropriate addition to the mandated reporting law.

While some counselors have direct contact with children, all licensed or certified child care providers and their employees and juvenile probation officers have direct contact with children and should be a higher priority to be added as mandated reporters of child and adult dependent person abuse and neglect. Therefore, I have vetoed section 23(1) of Substitute House Bill No. 129.

With the exception of section 23(1), Substitute House Bill No. 129 is approved."

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## CHAPTER 513

[Engrossed Second Substitute House Bill No. 164]

### HOUSING TRUST FUND

AN ACT Relating to funding the Washington housing trust fund; amending RCW 18.85.310, 43.185.100, 43.185.010, 43.185.050, 43.185.030, and 67.70.240; adding a new section to chapter 43.185 RCW; adding new sections to chapter 18.85 RCW; creating a new section; making an appropriation; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 19, chapter 222, Laws of 1951 as last amended by section 44, chapter 52, Laws of 1957 and RCW 18.85.310 are each amended to read as follows:

(1) Every licensed real estate broker shall keep adequate records of all real estate transactions handled by or through him. The records shall include, but are not limited to, a copy of the earnest money receipt, and an itemization of the broker's receipts and disbursements with each transaction. These records and all other records hereinafter specified shall be open to inspection by the director or his authorized representatives.

(2) Every real estate broker shall also deliver or cause to be delivered to all parties signing the same, at the time of signing, conformed copies of all earnest money receipts, listing agreements and all other like or similar instruments signed by the parties, including the closing statement.

(3) Every real estate broker shall also keep separate real estate fund accounts in a recognized Washington state depository authorized to receive funds in which shall be kept separate and apart and physically segregated from licensee broker's own funds, all funds or moneys of clients which are being held by such licensee broker pending the closing of a real estate sale or transaction, or which have been collected for said client and are being held for disbursement for or to said client and such funds shall be deposited not later than the first banking day following receipt thereof.

(4) Separate accounts comprised of clients' funds required to be maintained under this section, with the exception of property management trust accounts, shall be interest-bearing accounts from which withdrawals or transfers can be made without delay, subject only to the notice period which the depository institution is required to reserve by law or regulation.

(5) Every real estate broker shall maintain a pooled interest-bearing escrow account for deposit of client funds, with the exception of property management trust accounts, which are nominal or short term. As used in this section, a "nominal or short term" deposit is a deposit which, if placed in a separate account, would not produce positive net interest income after payment of bank fees, or other institution fees, and other administrative expenses.

The interest accruing on this account, net of any reasonable transaction costs, shall be paid to the state treasurer for deposit in the Washington housing trust fund created in RCW 43.185.030. An agent may, but shall not be required to, notify the client of the intended use of such funds.

(6) All client funds not deposited in the account specified in subsection (5) of this section shall be deposited in:

(a) A separate interest-bearing trust account for the particular client or client's matter on which the interest will be paid to the client; or

(b) A pooled interest-bearing trust account with subaccounting that will provide for computation of interest earned by each client's funds and the payment thereof to the client.

The department of licensing shall promulgate regulations which will serve as guidelines in the choice of an account specified in subsection (5) of this section or an account specified in this subsection.

(7) For an account created under subsection (5) of this section, an agent shall direct the depository institution to:

(a) Remit interest or dividends, net of any reasonable service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to the state treasurer for deposit in the housing trust fund created by RCW 43.185.030 and the real estate commission account created by RCW 18.85.220 as directed by section 9 of this 1987 act; and

(b) Transmit to the director of community development a statement showing the name of the person or entity for whom the remittance is spent, the rate of interest applied, and the amount of service charges deducted, if any, and the account balance(s) of the period in which the report is made, with a copy of such statement to be transmitted to the depositing person or firm.

(8) The director shall forward a copy of the reports required by subsection (7) of this section to the department of licensing to aid in the enforcement of the requirements of this section consistent with the normal enforcement and auditing practices of the department of licensing.

(9) This section does not relieve any real estate broker from any obligation with respect to the safekeeping of clients' funds.

(10) Any violation by a real estate broker of any of the provisions of this section, or RCW 18.85.230, shall be grounds for revocation of the licenses issued to the broker.

Sec. 2. Section 11, chapter 298, Laws of 1986 and RCW 43.185.100 are each amended to read as follows:

The department shall have the authority to promulgate rules pursuant to chapter 34.04 RCW, regarding the grant and loan process, and the substance of eligible projects, consistent with this chapter. The department shall consider the recommendations of cities and counties regarding how the funds shall be used in their geographic areas.

NEW SECTION. Sec. 3. A new section is added to chapter 43.185 RCW to read as follows:

The director shall prepare an annual report and shall send copies to the chair of the house of representatives committee on housing, the chair of the senate committee on commerce and labor, and one copy to the staff of each committee that summarizes the housing trust fund's income, grants and operating expenses, implementation of its program, and any problems arising in the administration thereof. The director shall promptly appoint a low income housing assistance advisory committee composed of a representative from each of the following groups: Apartment owners, realtors, mortgage lending or servicing institutions, private nonprofit housing assistance programs, tenant associations, and public housing assistance programs. The



advisory group shall advise the director on housing needs in this state, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter.

**\*Sec. 4. Section 1, chapter 298, Laws of 1986 and RCW 43.185.010 are each amended to read as follows:**

*The legislature finds that current economic conditions, federal housing policies and declining resources at the federal, state, and local level adversely affect the ability of low and very low-income persons to obtain safe, decent, and affordable housing.*

*The legislature further finds that members of over one hundred twenty thousand households live in housing units which are overcrowded, lack plumbing, are otherwise threatening to health and safety, and have rents and utility payments which exceed thirty percent of their income.*

*The legislature further finds that the homeless, minorities, rural households, and migrant farm workers require housing assistance at a rate which significantly exceeds their proportion of the general population.*

*The legislature further finds that one of the most dramatic housing ~~((needs))~~ problems is that of persons ~~((needing special housing-related services))~~ with specialized housing needs, such as the mentally ill, recovering alcoholics, frail elderly persons, and single parents. ~~((These services include medical assistance, counseling, chore services, and child care.))~~*

*The legislature further finds that housing assistance programs in the past have often failed to help those in greatest need.*

*The legislature declares that it is in the public interest to establish a continuously renewable resource known as a housing trust fund to assist low and very low-income citizens in meeting their basic housing needs, and that the needs of very low-income citizens should be given priority.*

*\*Sec. 4 was vetoed, see message at end of chapter.*

**\*Sec. 5. Section 6, chapter 298, Laws of 1986 and RCW 43.185.050 are each amended to read as follows:**

*(1) The department shall use funds from the housing trust fund to finance in whole or in part any loans or grant projects that will provide housing for the homeless and persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. Not less than thirty percent of such funds used in any given biennium shall be for the benefit of projects located in rural areas as defined in 63 Stat. 432, 42 U.S.C. Sec. 1471 et seq.*

*(2) Activities eligible for assistance include, but are not limited to:*

*(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;*

*(b) Rent subsidies in new construction or rehabilitated multifamily units;*

~~(c) ((Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;~~

~~(d))) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations, so long as said assistance is directed toward construction or rehabilitation of housing;~~

~~((e))) (d) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;~~

~~((f))) (e) Shelters and related services for the homeless;~~

~~((g))) (f) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units;~~

~~((h))) (g) Mortgage insurance guarantee or payments for eligible projects; and~~

~~((i))) (h) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing.~~

\*Sec. 5 was vetoed, see message at end of chapter.

Sec. 6. Section 2, chapter 298, Laws of 1986 and RCW 43.185.030 are each amended to read as follows:

There is hereby created a fund in the office of the treasurer known as the Washington housing trust fund. ~~((The treasurer shall serve as the trustee thereof and shall make disbursements therefrom as directed by this chapter.))~~ The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, and all other sources. Eighty percent of the return on the fund in the form of investment income or interest shall be added to the principal of the fund. The remaining twenty percent shall be placed in the general fund.

Sec. 7. Section 24, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 5, chapter 375, Laws of 1985 and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for purposes of making deposits into the housing trust fund under the provisions of section 7 of this 1987 act; (5) for the purchase and promotion of lottery games and game-related services; and ~~((5))~~ (6) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

**NEW SECTION.** Sec. 8. A new section is added to chapter 18.85 RCW to read as follows:

There is hereby created the broker's trust account board to consist of seven members as follows:

(1) The governor shall appoint six members with at least two residing east of the Cascade range of mountains. The governor may review nominations from the Washington association of realtors, private, nonprofit housing assistance programs, and any state-wide association of public housing authorities. Three of these appointments shall be real estate brokers or salespersons licensed under chapter 18.85 RCW. The governor shall attempt to maintain a balance of interests represented through the choice of appointees.

(2) The real estate commission, created under this chapter, shall appoint one member.

(3) Members shall serve for terms of three years expiring on January 15: **PROVIDED, HOWEVER,** That of the members appointed by the governor, two shall be appointed for a term of one year, two for a term of two years, and two for a term of three years. Any vacancy occurring in the membership of the board shall be filled for the remainder of the unexpired term by the individual or entity responsible for the original appointment.

Members shall serve without compensation.

**NEW SECTION.** Sec. 9. A new section is added to chapter 18.85 RCW to read as follows:

Remittances received by the treasurer pursuant to RCW 18.85.310 shall be divided between the housing trust fund created by RCW 43.185-.030, which shall receive seventy-five percent and the real estate commission account created by RCW 18.85.220, which shall receive twenty-five percent.

**NEW SECTION.** Sec. 10. A new section is added to chapter 18.85 RCW to read as follows:

The broker's trust account board shall review grant and loan applications placed before it by the director for final approval pursuant to section 11 of this act.

The decisions of the board shall be subject to the provisions of RCW 43.185.050, 43.185.060, and 43.185.070 with regard to eligible activities, eligible recipients, and criteria for evaluation.

The broker's trust account board shall serve in an advisory capacity to the real estate commission with regard to licensee education programs established pursuant to RCW 18.85.040 and 18.85.220.

**NEW SECTION.** Sec. 11. A new section is added to chapter 18.85 RCW to read as follows:

The director shall designate grant and loan applications for approval and for funding under the revenue from remittances made pursuant to

RCW 18.85.310. These applications shall then be reviewed for final approval by the broker's trust account board created by section 8 of this act.

The director shall submit to the broker's trust account board within any fiscal year only such applications which in their aggregate total funding requirements do not exceed the revenue to the housing trust fund from remittances made pursuant to RCW 18.85.310 for the previous fiscal year.

**NEW SECTION.** Sec. 12. There is hereby appropriated from the housing trust fund to the department of community development for the biennium ending June 30, 1989, the sum of twelve million dollars, or so much thereof as shall be necessary, to implement the purposes of chapter 43.185 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.

**\*NEW SECTION.** Sec. 14. *This act does not apply to public corporations created by chapter 35.82 RCW until October 1, 1988.*

\*Sec. 14 was vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 15. This act shall take effect January 1, 1988.

Passed the House April 22, 1987.

Passed the Senate April 13, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 4, 5, and 14, Engrossed Second Substitute House Bill No. 164, entitled:

"AN Act Relating to funding the Washington housing trust fund."

Engrossed Second Substitute House Bill No. 164 provides funding from interest earnings on nominal deposits of real estate earnest money. A low income housing assistance advisory committee is established to advise the director of the Department of Community Development. A brokers' trust account board is created with final authority over the award of housing grant funds from this financing source. Twenty-five percent of the aggregated interest on brokers' trust accounts is directed to the real estate commission account for licensee education activities.

Sections 4 and 5 of the bill delete language related to social services that was included in the original enabling legislation. This language includes special support services directly related to housing as an eligible activity for the award of housing trust grant funds. Although the majority of these funds are intended for housing activities related to construction and rehabilitation, it is also important to retain the trust funds' flexibility to meet unique housing services needs as these arise.

Removal of these sections results in the elimination of new language to explicitly include the homeless as a target group for trust fund grants. This does not represent a substantive change, however, because shelters and other services for the homeless are already designated as eligible activities for receipt of funds in section 6 of the enabling statute.

Section 14 was inadvertently left in the bill after interest earnings on tenant security deposits was removed as a potential trust funding source. I am removing this section to avoid confusion.

With the exception of sections 4, 5, and 14, Engrossed Second Substitute House Bill No. 164 is approved."

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## CHAPTER 514

[Engrossed House Bill No. 435]

### REAL ESTATE LICENSURE—BUSINESS PROFESSIONS REGULATION REQUEST PROCESS

AN ACT Relating to real estate brokers and salesmen; 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.

Be it enacted by the Legislature of the State of Washington:

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 1987, 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.*

\*Sec. 8 was vetoed, see message at end of chapter.

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.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 8, Engrossed House Bill No. 435 entitled:

"AN ACT Relating to real estate brokers and salesmen."

Section 8 would exempt from the real estate excise tax assumed mortgages on real property which are refinanced.

Refinancing assumed mortgages is simply one means of financing the purchase of real property; no public goal or objective is served by this selective exemption. Washington cannot afford the loss of several million dollars caused by such an exemption.

With the exception of section 8, Engrossed House Bill No. 435 is approved."

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## CHAPTER 515

[Engrossed Substitute Senate Bill No. 5801]

### FIRE FIGHTERS—OCCUPATIONAL DISEASES

AN ACT Relating to industrial insurance; amending RCW 51.08.100; and adding new sections to chapter 51.32 RCW.

Be it enacted by the Legislature of the State of Washington:

\*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.*

\*Sec. 1 was partially vetoed, see message at end of chapter.

**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.*

\*Sec. 3 was vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 4. Sections 1 and 2 of this act are each added to chapter 51.32 RCW.

Passed the Senate April 22, 1987.

Passed the House April 15, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

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## CHAPTER 516

[House Bill No. 1205]

### WATER POLLUTION FACILITIES—EXTENDED GRANT PAYMENTS

AN ACT Relating to authorizing the department of ecology to distribute funds from the water quality account for water pollution facilities, using extended grant payments; and adding a new section to chapter 70.146 RCW.

Be it enacted by the Legislature of the State of Washington:

**\*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.

**(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.**

\*Sec. 1 was partially vetoed, see message at end of chapter.

Passed the House April 23, 1987.

Passed the Senate April 17, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 1(4), House Bill No. 1205 entitled:

"AN ACT Relating to authorizing the department of ecology to distribute funds from the water quality account for water pollution facilities, using extended grant payments."

House Bill No. 1205 authorizes the Department of Ecology to enter into contracts with local jurisdictions allowing the state to pay its share of project costs over an extended period up to a maximum of twenty years. The purpose of this authorization is to reduce the state's initial assistance to a local jurisdiction constructing a major water pollution control facility, thereby maintaining adequate funds in the water quality account to assist other local jurisdictions.

Section 1(4) was added as a Senate floor amendment. It requires the state share for one category of water pollution control, sole source aquifer protection, to be in the form of a fifty percent matching grant. The designation of a sole source aquifer is determined by the federal Environmental Protection Agency under the Safe Drinking Water Act. Currently, three such aquifers have been designated in our state and several more are under federal review.

The Department of Ecology is developing by rule a comprehensive and consistent program for use of funds from the water quality account, including the appropriate level of cost sharing with local jurisdictions for eligible water pollution control facilities and activities in accordance with Chapter 70.146 RCW.

I concur that the protection of sole source aquifers is of high priority, and projects for such protection should receive a fair level of state aid. However, the appropriate level of state assistance for any project funded by the water quality account should be made in the context of overall state priorities for water pollution control assistance.

With the exception of section 1(4), which I have vetoed, House Bill No. 1205 is approved."

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## CHAPTER 517

[Substitute House Bill No. 978]

### YAKIMA ENHANCEMENT PROJECT

AN ACT Relating to water projects in the Yakima river basin; amending section 3, chapter 316, Laws of 1986 (uncodified); and adding a new section to chapter 43.21A RCW.

Be it enacted by the Legislature of the State of Washington:

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

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



~~((1))~~ (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;

~~((2))~~ (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;

~~((3))~~ (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

~~((4))~~ (d) In developing acceptable cost-sharing arrangements, request federal recognition of state credit for expenditures of moneys from Washington state utility ratepayers.

(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.

(3) 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.

(4) Nothing contained in subsection (3) 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 water required for the operation of such new or modified water project.

**(5) The provisions of this section, including but not limited to the interim operating agreements recognized under subsection (4) 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.**

\*Sec. 1 was partially vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 2. Section 1 of this act is added to chapter 43-21A RCW.

Passed the House April 22, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 1(3), 1(4) and 1(5), Substitute House Bill No. 978, entitled:

"AN ACT Relating to water projects in the Yakima river basin."

Since the passage of Substitute House Bill No. 978, I have been contacted by many having interests in the waters of the Yakima River system. Through review of letters, by personal contacts at all levels of government, and based upon information provided by my agency directors, I am well aware of the circumstances which prompted this legislation, the divisiveness which has resulted and the significance of my action in a partial veto.

I support and endorse the policy of water neutrality contained in this legislation. Simply stated, any water project in the Yakima Basin that creates a new demand for water must provide a source of supply or an operating agreement to meet that demand. Unfortunately, I believe the bill is flawed and does not achieve the intended result of promoting water neutrality. The provisions of these subsections are ambiguous and may not achieve the protection of existing rights.

Sections 1(3), 1(4) and 1(5) are intended to create a state process for assuring water neutrality. To date, issues related to new water projects, including fish passage facilities within the Yakima River basin, have been cooperatively resolved. I encourage this approach. I have directed the Departments of Ecology, Agriculture and Fisheries to seek negotiated construction and operation agreements for facilities that may require additional water. If such agreements are not reached in a reasonable time, I have instructed the Department of Ecology to utilize the water rights permit process for resolving these issues.

In approving sections 1(1) and 1(2), I affirm my continued support for the Yakima Enhancement Project. Within these sections is the message that the state wishes to see early Congressional action on the next phase of the project and that a final and successful conclusion of the project is an absolute necessity. The momentum to achieve these goals was present before the disputes that arose surrounding Substitute House Bill No. 978 became an issue. I encourage all parties to now cooperatively direct their efforts toward regaining that momentum. Should such cooperation not exist and similar legislation come to me at the conclusion of the next session, I may take a different action.

With the exception of sections 1(3), 1(4) and 1(5) Substitute House Bill No. 978 is approved."

## CHAPTER 518

[Engrossed Second Substitute House Bill No. 456]

## EDUCATION—READINESS TO LEARN—PROJECT EVEN START—SUBSTANCE ABUSE AWARENESS PROGRAM—DROPOUT PREVENTION—HIGHLY CAPABLE HIGH SCHOOL STUDENTS—SCHOOL INVOLVEMENT PROGRAMS—MENTAL SPORTS

AN ACT Relating to education; 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; adding a new chapter to Title 67 RCW; creating new sections; repealing RCW 28A.34A.902 and 28A.03.380; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**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.

**\*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.*

\*Sec. 111 was vetoed, see message at end of chapter.

**\*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.*

\*Sec. 112 was vetoed, see message at end of chapter.

**\*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 clearing-house for education information, shall collect and disseminate to all school districts and other interested parties information about the parents as first teachers program.**

\*Sec. 113 was vetoed, see message at end of chapter.

**\*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.**

\*Sec. 114 was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 115. Sections 111 through 113 of this act are each added to Title 28A RCW.**

\*Sec. 115 was vetoed, see message at end of chapter.

## 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.**

\*Sec. 201 was vetoed, see message at end of chapter.

**\*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.*

\*Sec. 202 was vetoed, see message at end of chapter.

**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.*

\*Sec. 203 was vetoed, see message at end of chapter.

**NEW SECTION.** *Sec. 204. Sections 202 and 203 of this act are each added to Title 28A RCW.*

\*Sec. 204 was vetoed, see message at end of chapter.

**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 awareness abuse 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.***

**\*Sec. 221 was vetoed, see message at end of chapter.**

**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 moneys, state categorical moneys and federal moneys 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 moneys 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.

NEW SECTION. Sec. 223. Section 21, chapter 278, Laws of 1984 and RCW 28A.03.380 are each repealed.

NEW SECTION. Sec. 224. Sections 214 through 220 of this act are each added to Title 28A RCW.

**\*NEW SECTION. Sec. 225. (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 226 through 230 of this act shall not become a part of the state's basic education obligation as set forth by the Constitution.**

\*Sec. 225 was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 226. The board of directors of each school district selected to participate in the pilot program under sections 225 through 230 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.**

\*Sec. 226 was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 227. Stipends may be awarded to certificated or classified staff who assume extra duties under sections 225 through 230 of this act. Such stipends shall not be considered compensation for the purposes of salary lid compliance under RCW 28A.58.095.**

\*Sec. 227 was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 228. 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.*

\*Sec. 228 was vetoed, see message at end of chapter.

**\*NEW SECTION.** *Sec. 229. 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.*

\*Sec. 229 was vetoed, see message at end of chapter.

**\*NEW SECTION.** *Sec. 230. The superintendent of public instruction shall adopt rules as necessary to implement sections 225 through 229 of this act.*

\*Sec. 230 was vetoed, see message at end of chapter.

**\*NEW SECTION.** *Sec. 231. Sections 225 through 230 of this act shall expire February 1, 1990.*

\*Sec. 231 was vetoed, see message at end of chapter.

**\*NEW SECTION.** *Sec. 232. Sections 225 through 230 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.*

\*Sec. 232 was vetoed, see message at end of chapter.

### 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.***

***\*Sec. 306 was vetoed, see message at end of chapter.***

**\*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.***

***\*Sec. 307 was vetoed, see message at end of chapter.***



**\*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. 308 was vetoed, see message at end of chapter.

**\*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.*

\*Sec. 309 was vetoed, see message at end of chapter.

#### 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.

**\*NEW SECTION.** Sec. 410. *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.*

\*Sec. 410 was vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 411. 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.

Passed the House March 18, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to sections 111 through 115, 201 through 204, 221, 225 through 232, 306, 307, 308, 309, and 410, Second Substitute House Bill No. 456 entitled:

"AN ACT Relating to education."

This measure was introduced at my request. Its provisions deal with a wide range of problems encountered by children who are at risk of failure in school.

A number of amendments which created new programs were added to this bill during the legislative process. While I believe most of these programs are meritorious. I am vetoing those for which the Legislature provided no funding. Adding unfunded programs to substantive law gives false hope to those who would benefit from them. For this reason, I have vetoed sections which would have created a parents as first teachers program (sections 111 through 115), a grants-based program to provide elementary counselors (sections 201 through 204), and a multi-purpose block grant program (sections 225 through 232). I hope the Legislature will reconsider these programs, particularly the elementary counselors provisions, at some future time when funding may be available.

In addition, I am vetoing Section 221 which creates a mandatory increase in funding for gifted students but which was not funded in the budget.

Sections 306 through 308 permit state employees to use sick leave to participate in school activities. Similar provisions in the bill I requested were tied to approved parent participation programs developed by school districts. The lack of provisions to ensure that leave is used for meaningful participation fundamentally alters the concept and could lead to abuse.

Section 309 was likewise in the original bill. I included this provision anticipating that the Legislature would provide increased revenues for education and provide me with a budget with a decent reserve and a reasonable amount of management flexibility. With the budget which was actually approved by the Legislature, I have

reluctantly concluded that the tax exemption for donated equipment might lead to an unacceptable loss of revenue.

Section 410 is standard null and void language which is unnecessary since the balance of Second Substitute House Bill No. 456 was funded in the budget.

With the exception of sections 111 through 115, 201 through 204, 221, 225 through 232, 306, 307, 308, 309, and 410 which I have vetoed, Second Substitute House Bill No. 456 is approved."

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**CHAPTER 519**

[Substitute Senate Bill No. 5274]

**TEACHERS—SALARY SCHEDULES—IN—SERVICE TRAINING AND CONTINUING EDUCATION**

AN ACT Relating to compensation of teachers for in-service training and education; and adding a new section to chapter 28A.71 RCW.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. A new section is added to chapter 28A.71 RCW to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the state board of education, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the state board of education, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.71.210, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education, or both.

(4) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987.

Passed the Senate April 21, 1987.

Passed the House April 13, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 520

[Senate Bill No. 5666]  
ENCHANTED PARKWAY

AN ACT Relating to state route number 161; and amending RCW 47.17.310.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 63, chapter 51, Laws of 1970 ex. sess. as amended by section 6, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.310 are each amended to read as follows:

A state highway to be known as state route number 161 is established as follows:

Beginning at a junction with state route number 7 in the vicinity of La Grande, thence northeasterly via Eatonville to Puyallup, thence northerly to a junction with state route number 18.

That portion of state route 161 within King county shall be designated Enchanted Parkway.

Passed the Senate March 5, 1987.

Passed the House April 17, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 521

[Engrossed Substitute House Bill No. 498]  
FIRE FIGHTERS—COLLECTIVE BARGAINING

AN ACT Relating to collective bargaining for fire fighters and emergency medical personnel; amending RCW 41.56.030 and 41.56.460; and repealing RCW 41.56.495.

Be it enacted by the Legislature of the State of Washington:

*\*Sec. 1. Section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 1, chapter 150, Laws of 1984 and RCW 41.56.030 are each amended to read as follows:*

*As used in this chapter:*

*(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body.*

*(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person*

*elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer.*

*(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.*

*(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.*

*(5) "Commission" means the public employment relations commission.*

*(6) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county of the second class or larger, ~~((or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended))~~ (b) employees regularly employed on a full-time basis in a fire department of a public employer in fire suppression, fire investigation, fire inspection, fire dispatching, and emergency medical services, or (c) employees in the several classes of advanced life support technicians as defined in RCW 18.71.200 who are not otherwise covered under (b) of this subsection and who are employed by public employers other than public hospital districts.*

*\*Sec. 1 was vetoed, see message at end of chapter.*

Sec. 2. Section 5, chapter 131, Laws of 1973 as last amended by section 4, chapter 287, Laws of 1983 and RCW 41.56.460 are each amended to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c)(i) For employees listed in RCW 41.56.030(6) (a) and (c), comparison of the wages, hours and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States(-);

(ii) For employees listed in RCW 41.56.030(6)(b), comparison of the wages, hours, and conditions of employment of personnel involved in the

proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers shall not be considered;

(d) The average consumer prices for goods and services, commonly known as the cost of living;

(e) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

**\*NEW SECTION. Sec. 3. Section 1, chapter 150, Laws of 1985 and RCW 41.56.495 are each repealed.**

\*Sec. 3 was vetoed, see message at end of chapter.

Passed the House April 22, 1987.

Passed the Senate April 9, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 1 and 3, Engrossed Substitute House Bill No. 498, entitled:

"AN ACT Relating to collective bargaining for firefighters and emergency medical personnel."

Section 1 expands for the first time the definition of "uniform personnel" beyond law enforcement officers and firefighters as defined under RCW 41.26.030, which is the LEOFF Retirement Act. This bill would add employees regularly employed on a full-time basis in a public fire department with duties related to fire, investigation, inspection and dispatch.

There are public policy reasons for binding interest arbitration as the ultimate collective bargaining dispute resolution for "essential public safety employees" (i.e. police officers and firefighters). The employees who would be added under this bill are different in terms of how essential they are to the maintenance of public safety. At this point we have a strong and clearly defined line in the law between what is "essential" to public safety and what is not. If this bill becomes law, that line becomes blurred.

I do feel that employees engaged in fire investigation, fire inspection and fire dispatching provide needed and important services similar to those provided by a number of other public employees in other occupations, including dispatchers employed in joint communication centers which dispatch fire, police and emergency vehicle responses. If this bill were signed into law, many other groups would ask for inclusion under what would be an uncertain and an expanded use of the term "essential services". All of these employees have full collective bargaining rights now, and I do not feel the expansion is necessary to protect public safety.

Section 3 is vetoed to reinstate the law to its present status, since the change in section 1 is vetoed.

<sup>1</sup> With the exception of sections 1 and 3, Engrossed Substitute House Bill No 498 is approved."

## CHAPTER 522

[Substitute House Bill No. 425]  
DISTRICT HEATING SYSTEMS

AN ACT Relating to district heating systems; and amending RCW 80.62.010, 80.62.020, 35.97.020, and 35.97.010.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 94, Laws of 1983 and RCW 80.62.010 are each amended to read as follows:

The legislature finds that traditional utility regulation may pose unnecessary barriers to ~~((: (1) The widespread and rapid utilization of Washington's geothermal heat resource for district heating purposes, and (2) the efficient use of biomass materials and waste heat sources for district heating purposes))~~ using Washington's heat sources for district heating purposes. The legislature further finds that regulation may be necessary to protect the interests of the public in securing adequate heating services from these heat sources at reasonable cost. Therefore, it is the intent of the legislature and the purpose of this chapter to provide a streamlined permitting system which will encourage development and efficient utilization and distribution of heat while continuing to provide reasonable customer protections.

Sec. 2. Section 2, chapter 94, Laws of 1983 and RCW 80.62.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Biomass ~~((materials))~~ energy system" means a system that provides for the production or collection of organic materials such as wood and agricultural residues and municipal solid waste that are primarily ((waste)) organic materials and the conversion or use of such ((materials can be used to generate heat directly)) material for the production of heat or substitute fuels through several processes including, but not limited to, burning, pyrolysis, or anaerobic digestion.

(2) "Geothermal heat" means the natural thermal energy of the earth.

(3) "Heat" means thermal energy.

(4) "Heat source" includes but is not limited to~~((:))~~ (a) ~~((Generators of waste heat; (b) geothermal wells or springs; (c) combustion of biomass materials; or (d) collection of solar heat))~~ any integral part of a heat production or heat rejection system of an industrial facility, cogeneration facility, or electric power generation facility, (b) geothermal well or spring, (c) biomass energy system, (d) solar collection facility, and (e) hydrothermal resource or heat extraction process.

(5) "Heat supplier" means any private person, company, association, or corporation engaged or proposing to engage in developing, producing,



transmitting, distributing, delivering, furnishing, or selling to or for the public heat from a heat source for any beneficial use other than electricity generation.

(6) "Commission" means the utilities and transportation commission.

(7) "Cogeneration facility" means any machinery, equipment, structure, process, or property, or any part thereof, installed or acquired for the primary purpose of cogeneration by a person or corporation.

(8) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source.

(9) "Waste heat" means the thermal energy which otherwise would be released to the environment from an industrial process, electric generation, or other process.

(10) "Hydrothermal resource" means the thermal energy available in wastewater, sewage effluent, wells, or other water sources, natural or manmade.

\*Sec. 3. Section 1, chapter 216, Laws of 1983 and RCW 35.97.020 are each amended to read as follows:

(1) It is the intent of the legislature that heating systems authorized pursuant to this chapter be developed in a way that minimizes any long-term rate impacts on customers of existing utilities.

(2) Counties, cities, towns, irrigation districts which distribute electricity, sewer districts, water districts, ((and)) port districts, and metropolitan municipal corporations are authorized pursuant to this chapter to establish heating systems and ((provide)) supply heating services from Washington's heat sources ((including, but not limited to, geothermal heat, steam or water heated by a biomass energy system, waste heat, and energy from a cogeneration facility)).

(3) Before a municipality may establish by ordinance a heating system or supply heating services, it shall conduct a public hearing and assess the long-term impacts on rates of utility customers in the area proposed to be served.

(4) Nothing in this chapter authorizes any municipality to generate, transmit, distribute, or sell electricity.

\*Sec. 3 was partially vetoed, see message at end of chapter.

Sec. 4. Section 2, chapter 216, Laws of 1983 and RCW 35.97.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Biomass energy system" means a system that provides for the production or collection of organic materials such as wood and agricultural residues and municipal solid waste that are primarily ((waste)) organic materials and the conversion or use of that material for the production of ((energy)) heat or substitute fuels through several processes including, but not limited to, burning, pyrolysis, ((distillation,)) or anaerobic digestion.

(2) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source.

(3) "Cogeneration facility" means any machinery, equipment, structure, process, or property or any part thereof, installed or acquired for the primary purpose of cogeneration by a person or corporation.

(4) "Geothermal heat" means the natural thermal energy of the earth.

(5) "Waste heat" means the thermal energy which otherwise would be released to the environment from an industrial process, electric generation, or other process.

(6) "Heat" means thermal energy.

(7) "Heat source" includes but is not limited to (a) any integral part ((or process)) of a heat production or heat rejection system of an industrial facility, cogeneration facility, or electric power generation facility, (b) geothermal well or spring, (c) biomass energy system, (d) solar collection facility, and (e) hydrothermal resource or ((energy)) heat extraction process.

(8) "Municipality" means a county, city, town, ((sewer district, water district, port district, or)) irrigation district which distributes electricity, sewer district, water district, port district, or metropolitan municipal corporation.

(9) "Heating facilities or heating systems" means all real and personal property, or interests therein, necessary or useful for: (a) The acquisition, production, or extraction of heat; (b) the storage of heat; (c) the distribution of heat from its source to the place of utilization; (d) the extraction of heat at the place of utilization from the medium by which the heat is distributed; (e) the distribution of heat at the place of utilization; and (f) the conservation of heat.

(10) "Hydrothermal resource" means the thermal energy available in wastewater, sewage effluent, wells, or other water sources, natural or manmade.

Passed the House April 20, 1987.

Passed the Senate April 9, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 3(1) and 3(3), Substitute House Bill No. 425, entitled:

"AN ACT Relating to district heating systems."

The intent of the legislation, as stated in section 1, is "to provide a streamlined permitting system which will encourage development and efficient utilization and distribution of heat while continuing to provide reasonable consumer protections." Section 3(1) and 3(3) contradict this intent.

Section 3(1) states that the intent of the legislation is to minimize "any long-term rate impacts on customers of existing utilities." While harmful impacts should be minimized, I do not believe that beneficial impacts should be limited. Further, limiting consumer benefits contradicts the legislative intent of consumer protection.

Section 3(3) requires that public hearings be used to determine the effects district heating have on long-term utility rates. State law currently provides consumer protection by (1) requiring the establishment of district heating only by municipal legislative ordinance and (2) requiring the legislative authority to estimate consumer costs of such a system (RCW 35.97.050-060). Instead of streamlining the permitting system, section 3(3) retards the advancement of district heating while not furthering consumer protection.

With the exception of sections 3(1) and 3(3), Substitute House Bill No. 425 is approved."

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## CHAPTER 523

[Engrossed Senate Bill No. 5556]

### FLOOD CONTROL

AN ACT Relating to flood control; amending RCW 86.16.010, 86.16.020, 86.16.035, 43.27A.200 and 43.83B.320; adding new sections to chapter 86.16 RCW; and repealing RCW 86.16.027, 86.16.030, 86.16.040, 86.16.050, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.085, 86.16.090, 86.16.100, 86.16.110, 86.16.130, and 86.16.170.

Be it enacted by the Legislature of the State of Washington:

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, ((86.16.080;)) or 43.37-.080, prior to said performance, construction or operation; or**

**(c) An order which relates to the violation of a term or condition of a permit or certificate, license or other authorization or approval issued by the department of water resources; or**

**(d) An order which relates to a water use condition constituting an emergency which threatens the public safety or welfare;**

**(2) Review of all regulatory orders issued pursuant to RCW 43.27A.190, other than those described in RCW 43.27A.200(1), shall be available through administrative hearings conducted by the department of water resources. A hearing shall be granted by the director of the department of water resources if the requester submits a written request to the director by certified or registered mail for a hearing and the same is received by, or mailed to the director within thirty days from the date of receipt of the order. No such request shall be entertained unless it contains the following:**

**(a) The requester's name and address;**

**(b) The date of the order for which the request for review is taken;**

**(c) A statement of the substance of the order complained of;**

**(d) A clear, separate and concise statement of each and every error which the requester alleges to have been committed by the department;**

**(e) A clear and concise statement of facts upon which the requester relies to sustain his statements of error; and**

**(f) A statement setting forth the relief sought.**

**All hearings shall be before the director or a hearing officer appointed by the director. Any party to a hearing held hereunder who feels aggrieved by**

*a final order issued by the director of the department of water resources after a hearing may obtain review thereof in a superior court. All hearings and judicial review authorized hereunder shall be subject to the provisions of chapter 34.04 RCW pertaining to contested cases.*

*In the event a regulatory or final order issued pursuant to RCW 43.27A.190 or 43.27A.200 is not complied with, the attorney general, upon request of the department of water resources, shall bring an action in the superior court of the county where the violation occurred or potential violation is about to occur to obtain such judicial relief as necessary, including injunctive relief, to insure that said order is complied with.*

\*Sec. 10 was vetoed, see message at end of chapter.

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.***

\*Sec. 14 was vetoed, see message at end of chapter.

Passed the Senate April 24, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

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## CHAPTER 524

[Engrossed Second Substitute Senate Bill No. 5659]

### CHILD PROTECTIVE SERVICES

AN ACT Relating to child protective services; 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.

Be it enacted by the Legislature of the State of Washington:

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. 7 was vetoed, see message at end of chapter.

\*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. 8 was vetoed, see message at end of 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 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.

Passed the Senate April 20, 1987.

Passed the House April 15, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

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## CHAPTER 525

[Engrossed Substitute Senate Bill No. 5479]

### EDUCATION—SCHOOLS FOR THE TWENTY-FIRST CENTURY—TEACHING AS A PROFESSION—MASTERS DEGREE REQUIREMENT—STAFF DEVELOPMENT

AN ACT Relating to improving the educational system; 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.

Be it enacted by the Legislature of the State of Washington:

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.*

\*Sec. 117 was vetoed, see message at end of chapter.

**\*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.*

\*Sec. 118 was vetoed, see message at end of chapter.

**\*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.*

\*Sec. 119 was vetoed, see message at end of chapter.

***\*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.*

\*Sec. 120 was vetoed, see message at end of chapter.

***\*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.*

\*Sec. 121 was vetoed, see message at end of chapter.

***\*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.*

\*Sec. 122 was vetoed, see message at end of chapter.

## 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 (c) 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.*

\*Sec. 219 was vetoed, see message at end of chapter.

**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.**

**\*Sec. 221 was vetoed, see message at end of chapter.**

**\*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.**

**\*Sec. 222 was vetoed, see message at end of chapter.**

**\*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.**

**\*Sec. 223 was vetoed, see message at end of chapter.**

**\*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.**

**\*Sec. 224 was vetoed, see message at end of chapter.**

**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.*

\*Sec. 229 was vetoed, see message at end of chapter.

**\*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.*

\*Sec. 230 was vetoed, see message at end of chapter.

**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.*

\*Sec. 231 was vetoed, see message at end of chapter.

**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.*

\*Sec. 232 was vetoed, see message at end of chapter.

**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.***

\*Sec. 302 was vetoed, see message at end of chapter.



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.

Passed the Senate April 26, 1987.

Passed the House April 26, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

## CHAPTER 526

[Engrossed Substitute Senate Bill No. 5081]

WINTER RECREATION COMMISSION—"ROLL ON COLUMBIA, ROLL ON"  
DECLARED OFFICIAL STATE FOLK SONG

AN ACT Relating to winter recreation; 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.

Be it enacted by the Legislature of the State of Washington:

**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. 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. 6. Sections 1 and 2 of this act are each added to chapter 67.34 RCW.

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.

Passed the Senate April 26, 1987.

Passed the House April 26, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 527

[Engrossed House Bill No. 326]

### CONSERVATION COMMISSION FUNDING—RESEARCH ACTIVITIES

AN ACT Relating to conservation district funding; and amending RCW 70.146.060.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 9, chapter 3, Laws of 1986 and RCW 70.146.060 are each amended to read as follows:

During the period from July 1, 1987, until June 30, 1995, the following limitations shall apply to the department's total distribution of funds appropriated from the water quality account:

- (1) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(2) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie Aquifer;

(3) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(4) Not more than ten percent for activities which control nonpoint source water pollution;

(5) Ten percent and such sums as may be remaining from the categories specified in subsections (1) through (4) of this section for water pollution control activities or facilities as determined by the department; and

(6) ~~((Not more than))~~ Two and one-half percent of the total amounts of moneys under subsections (1) through (5) of this section from February 21, 1986, until December 31, 1995, ~~((may))~~ shall be ~~((transferred by the department))~~ appropriated biennially to the state conservation commission for the purposes of this chapter. Not less than ten percent of the moneys received by the state conservation commission under the provisions of this section shall be expended on research activities.

The distribution under this section shall not be required to be met in any single fiscal year.

Passed the House March 11, 1987.

Passed the Senate April 10, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

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## CHAPTER 528

[Engrossed Substitute Senate Bill No. 5570]

### SOLID WASTE INCINERATOR ASH RESIDUE DISPOSAL—PREFERRED SOLID WASTE MANAGEMENT JOINT SELECT COMMITTEE

AN ACT Relating to disposal of incinerator ash residues; 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.

Be it enacted by the Legislature of the State of Washington:

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 willfully 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.*

\*Sec. 8 was vetoed, see message at end of chapter.

**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.

**NEW SECTION.** Sec. 15. (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. 16. 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.

Passed the Senate April 23, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"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.

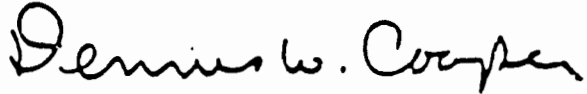
In developing the rules, regulations and policies necessary to implement Engrossed Substitute Senate Bill No. 5570, I am asking the Department of Ecology to give primary emphasis to the long-term protection of public health and environmental values. The Department also needs to develop effective disposal 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."

## AUTHENTICATION

I, Dennis W. Cooper, Code Reviser of the State of Washington, do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 1987 regular session, chapters 1 through 528, (50th Legislature) as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this fifth day of June, 1987.

A handwritten signature in black ink that reads "Dennis W. Cooper". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

DENNIS W. COOPER  
Code Reviser

# **WASHINGTON LAWS**

**1987 FIRST EXTRAORDINARY SESSION**

CHAPTER 1

[Filed by Washington Citizens' Commission on Salaries for Elected Officials]  
SALARIES FOR ELECTED OFFICIALS

SCHEDULE 1

AN ACT Relating to salaries for elected officials; and adding a new section to chapter 43.10 RCW.

Be it enacted by the Washington Citizens' Commission on Salaries for Elected Officials:

NEW SECTION. Sec. 1. A new section is added to chapter 43.10 RCW to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salaries of the state elected officials of the executive branch shall be as follows:

(1) Effective September 1, 1987:

(a) Governor . . . . .	\$	83,800
(b) Lieutenant governor . . . . .	\$	45,000
(c) Secretary of state . . . . .	\$	46,300
(d) State treasurer . . . . .	\$	54,250
(e) State auditor . . . . .	\$	55,250
(f) Attorney general . . . . .	\$	63,800
(g) Superintendent of public instruction . . . . .	\$	59,950
(h) Commissioner of public lands . . . . .	\$	59,950
(i) Insurance commissioner . . . . .	\$	53,700

(2) Effective July 1, 1988:

(a) Governor . . . . .	\$	93,900
(b) Lieutenant governor . . . . .	\$	48,800
(c) Secretary of state . . . . .	\$	50,200
(d) State treasurer . . . . .	\$	62,050
(e) State auditor . . . . .	\$	64,050
(f) Attorney general . . . . .	\$	72,200
(g) Superintendent of public instruction . . . . .	\$	66,600
(h) Commissioner of public lands . . . . .	\$	66,600
(i) Insurance commissioner . . . . .	\$	61,000

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Thomas McCarthy  
Chairman  
Washington Citizens' Commission  
on Salaries for Elected Officials

SCHEDULE II

AN ACT Relating to salaries for elected officials; and adding a new section to chapter 43.10 RCW.

Be it enacted by the Washington Citizens' Commission on Salaries for Elected Officials:

NEW SECTION. Sec. 1. A new section is added to chapter 43.10 RCW to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 2.04.092, 2.06.062, 2.08.092, 3.58.010, and 43.03.310, the annual salaries of the judges of the state shall be as follows:

- (1) Effective September 1, 1987:
  - (a) Justices of the supreme court ..... \$ 75,900
  - (b) Judges of the court of appeals..... \$ 72,100
  - (c) Judges of the superior court ..... \$ 68,500
  - (d) Full-time judges of the district court ..... \$ 62,100
- (2) Effective July 1, 1988:
  - (a) Justices of the supreme court ..... \$ 82,700
  - (b) Judges of the court of appeals..... \$ 78,600
  - (c) Judges of the superior court ..... \$ 74,600
  - (d) Full-time judges of the district court ..... \$ 71,000

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 Thomas McCarthy  
 Chairman  
 Washington Citizens' Commission  
 on Salaries for Elected Officials

SCHEDULE III

AN ACT Relating to salaries for elected officials; and adding a new section to chapter 43.10 RCW.

Be it enacted by the Washington Citizens' Commission on Salaries for Elected Officials:

NEW SECTION. Sec. 1. A new section is added to chapter 43.10 RCW to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salary of members of the legislature shall be:

- (1) \$15,500 effective September 1, 1987; and
- (2) \$16,500 effective July 1, 1988.

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Thomas McCarthy  
Chairman  
Washington Citizens' Commission  
on Salaries for Elected Officials

Filed in Office of Secretary of State June 1, 1987.

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CHAPTER 2

[Reengrossed Second Substitute House Bill No. 455]  
SCHOOL FINANCE—STAFF TO STUDENT RATIOS—SALARIES

AN ACT Relating to education; 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.

Be it enacted by the Legislature of the State of Washington:

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 ~~((†))~~ (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.01.130, 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))~~ (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:

~~((1))~~ (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 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 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 existing 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 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 twenty-three percent 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.

Passed the House May 21, 1987.

Passed the Senate May 21, 1987.

Approved by the Governor June 9, 1987.

Filed in Office of Secretary of State June 9, 1987.

## CHAPTER 3

[Reengrossed Substitute House Bill No. 621]

### STATE GENERAL OBLIGATION BONDS

AN ACT Relating to state general obligation bonds; amending RCW 43.83.020, 43.831-.160, 43.99B.010, and 67.40.030; and adding a new chapter to Title 43 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of four hundred twelve million three hundred thousand dollars, or so much thereof as may be required, to finance the projects described and authorized by the

legislature in the capital and operating appropriations acts for the 1987-1989 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

**NEW SECTION.** Sec. 2. Bonds issued under section 1 of this act are subject to the following conditions and limitations:

(1) General obligation bonds of the state of Washington in the sum of four hundred four million four hundred thousand dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1987-1989 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited as follows:

(a) Thirty million dollars in the common school construction fund created in RCW 28A.40.101;

(b) Three hundred sixty-two million seven hundred thousand dollars in the state building construction account created in RCW 43.83.020.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the office of financial management, subject to legislative appropriation.

(2) General obligation bonds of the state of Washington in the sum of three million two hundred thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for Washington State University to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by Washington State University, subject to legislative appropriation.

NEW SECTION. Sec. 3. Both principal of and interest on the bonds issued for the purposes specified in section 2(1) of this act shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. 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, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION. Sec. 4. Both principal of and interest on the bonds issued for the purposes of section 2(2) of this act shall be payable from the higher education bond retirement fund of 1979. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the higher education bond retirement fund of 1979, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION. Sec. 5. Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal



thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 6. On or before June 30th of each year and in accordance with the provisions of the bond proceedings the state finance committee shall determine the relative shares of the principal and interest payments determined pursuant to section 4 of this act, exclusive of deposit interest credit, attributable to each of the institutions of higher education in proportion to the principal amount of bonds issued for the purposes of section 2(2) of this act for projects for each institution. On each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of each institution of higher education shall cause the amount so computed to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

NEW SECTION. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 3 and 4 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 8. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 9. Section 43.83.020, chapter 8, Laws of 1965 as amended by section 43, chapter 57, Laws of 1985 and RCW 43.83.020 are each amended to read as follows:

The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account which is hereby established in the state treasury and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation (~~(act of 1959)~~) acts, and for payment of the expense incurred in the printing, issuance, and sale of such bonds. All earnings of investments of balances in the state building construction account shall be credited to the general fund.

Sec. 10. Section 1, chapter 224, Laws of 1979 ex. sess. and RCW 43.831.160 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities for the department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of (~~(six)~~) five million forty-five thousand dollars, or so much thereof as may be required, to finance these projects, and all costs

incidental thereto. No bonds authorized by RCW 43.831.160 through 43.831.170 and 43.831.912 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 11. Section 1, chapter 229, Laws of 1979 ex. sess. and RCW 43.99B.010 are each amended to read as follows:

For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of ~~((ten))~~ eight million nine hundred forty-five thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized by RCW 43.99B.010 through 43.99B.026 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance.

Sec. 12. 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 million))~~ one hundred three million, seven hundred sixty-five 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, 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.

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.

NEW SECTION. Sec. 14. Sections 1 through 8 of this act shall constitute a new chapter in Title 43 RCW.

Passed the House May 18, 1987.

Passed the Senate May 18, 1987.

Approved by the Governor June 9, 1987.

Filed in Office of Secretary of State June 9, 1987.

## CHAPTER 4

[Engrossed Substitute Senate Bill No. 5293]

## ADULT FAMILY HOMES—BUSINESS AND OCCUPATION TAX EXEMPTION

AN ACT Relating to the business and occupation taxation of health or social welfare services; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

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.

Passed the Senate May 15, 1987.

Passed the House May 17, 1987.

Approved by the Governor June 9, 1987.

Filed in Office of Secretary of State June 9, 1987.

## CHAPTER 5

[Engrossed Second Substitute House Bill No. 477]

## HEALTH CARE ACCESS

AN ACT Relating to health care; 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.

Be it enacted by the Legislature of the State of Washington:

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 administrator deems appropriate.

(2) To design and implement a structure of periodic premiums due the administrator 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 11 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 administrator and its powers and duties shall be terminated on June 30, 1992, as provided in section 25 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.

Passed the House May 17, 1987.

Passed the Senate May 17, 1987.

Approved by the Governor June 10, 1987.

Filed in Office of Secretary of State June 10, 1987.

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## CHAPTER 6

[Reengrossed Substitute House Bill No. 327]

### CAPITAL BUDGET

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1989, out of the several funds specified in this act.

**NEW SECTION.** Sec. 2. (1) As used in this act, the following phrases have the following meanings:

"Common School Constr Fund" means Common School Construction Fund;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"ORA" means Outdoor Recreation Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"For Dev Acct" means Forest Development Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account—Department of Social and Health Services Facilities;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"Fire Trng Constr Acct" means Fire Training Construction Account;

"WSU Bldg Acct" means Washington State University Building Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"Com Col Cap Impvmt Acct" means Community College Capital Improvement Account;

"Com Col Cap Proj Acct" means Community College Capital Projects Account;

"Com Col Cap Constr Acct" means 1975 Community College Capital Construction Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"St Bldg Auth Constr Acct" means State Building Authority Construction Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account—Waste Disposal Facilities;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account—State;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvement Revolving Account—Water Supply Facilities;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account—Public Recreation Facilities;

"PNW Fest Fac Constr Acct" means Pacific Northwest Festival Facility Construction Account;

"Cultural Fac Constr Acct" means Cultural Facilities Construction Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb S/T Bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"St Patrol Hiwy Acct" means State Patrol Highway Account;

"WSP Services Acct" means State Patrol Services Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account.

The words "capital improvements" or "capital projects" used in this act mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets. For purposes of this act, "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.

"Revert" or "lapse" means the amount shall return to an unappropriated status.

(2) Letters and numbers in parenthesis following each project description are the unique project identifiers used throughout a project's duration to identify it.

INDEX

- Arts Commission, sec. 913
- Central Washington University, secs. 547-557
- Community College Education Board, secs. 601-652
- Community Development Department, secs. 105-117
- Conservation Commission, sec. 706
- Corrections Department, secs. 305-322
- Eastern Washington State Historical Society, secs. 904-905
- Eastern Washington University, secs. 537-546
- Ecology Department, secs. 701-705
- Education, State Board of, secs. 401-410
- Employment Security Department, sec. 908
- Evergreen State College, secs. 558-574
- Fisheries Department, secs. 770-784, 801-820
- Game Department, secs. 821-857
- General Administration Department, secs. 118-152
- Interagency Committee for Outdoor Recreation, sec. 767
- Military Department, secs. 153-184
- Natural Resources Department, secs. 858-895
- Office of Financial Management, secs. 323,914
- Parks and Recreation Commission, secs. 707-764
- Secretary of State, secs. 101-104
- Social and Health Services Department, secs. 201-235
- State Capitol Historical Association, secs. 906-907
- Superintendent of Public Instruction, sec. 412
- Trade and Economic Development Department, secs. 767-770
- Transportation Department, secs. 909-912
- University of Washington, secs. 501-518
- Veterans Affairs Department, secs. 301-304
- Washington State Historical Society, secs. 901-903
- Washington State University, secs. 519-536
- Western Washington State University, secs. 575-578
- Vocational Technology Center, sec. 411

PART 1

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE SECRETARY OF STATE

Renovate essential records protection facility: Birch Bay (88-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		112,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
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112,000

NEW SECTION. Sec. 102. FOR THE SECRETARY OF STATEInstall fire and security system: King county regional branch archives  
(88-3-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		14,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs

14,000

NEW SECTION. Sec. 103. FOR THE SECRETARY OF STATE

Archives building: Renovate and convert fumigator (88-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		38,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs

38,000

NEW SECTION. Sec. 104. FOR THE SECRETARY OF STATE

Regional archive facilities (88-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		49,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs

2,797,000

2,846,000

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Fire service training minor works (87-4-002)

Reappropriation	Appropriation
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St Bldg Constr Acct		171,000
Fire Trng Constr Acct	100,000	240,000
St Fac Renew Acct	100,000	

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
211,000		822,000

**NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

**Tacoma Union Station building stabilization and planning**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of this appropriation is provided solely to prevent further deterioration of the Tacoma Union Station building. This may include, but is not limited to, providing a fire detection system, removing safety hazards, and programming necessary to implement these works.

(2) A maximum of \$500,000 may be used for planning regarding future use of the Tacoma Union Station property to promote state economic development.

(3) The money in this section is provided contingent upon a written legal agreement between the city of Tacoma and the state that (a) requires state approval of future uses and disposition of the Tacoma Union Station property and (b) gives the state the right of first refusal to assume the city of Tacoma's option to purchase the Tacoma Union Station property currently owned by the Burlington Northern company.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,500,000

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

**Capitalize development loan fund (88-2-002)**

The appropriation in this section is subject to the following conditions and limitations: Up to one million five hundred thousand dollars may be

used for grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants, which shall not require the commitment of additional federal funds by the entitlement community.

Additional grants may be provided to entitlement communities subject to the matching requirement in RCW 43.168.100.

To the extent permitted under federal law, the development loan committee shall require local entitlement communities to transfer repayments of principal and interest to the Washington state development loan fund.

	Reappropriation	Appropriation
St Bldg Constr Acct		3,070,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		3,070,000

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency management building minor works (88-3-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		60,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		60,000

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Silver Lake dam

The appropriation in this section is subject to the following conditions and limitations: The money appropriated in this section is provided solely to complete repairs on the Silver Lake dam in Cowlitz county and for technical assistance to assist local entities in this project.

	Reappropriation	Appropriation
St Bldg Constr Acct		70,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs



6/30/87

Thereafter

70,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

**Tall ship mobile tourist attraction**

The appropriation in this section is subject to the following conditions and limitations: The money appropriated in this section is provided solely for the Grays Harbor historical seaport authority to construct a mobile tall ships tourist attraction if local or private sources provide \$125,000 in money or in-kind support for the project.

(1) If the department determines that less than \$125,000 will be available from local or private sources, the state grant shall be reduced accordingly to maintain this \$4 to \$1 ratio, and the unspent funds shall lapse.

(2) The \$125,000 match shall be counted as amounts in excess of \$500,000 obtained for the project from a local government bond issue in calendar year 1986.

(3) The local in-kind match may include donated assets. Assets shall be valued at their fair market value at the time of donation.

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,000,000	3,765,000	5,490,000

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

**Gray's Harbor dredging**

The appropriation in this section is provided solely for the state's share of costs for Gray's Harbor dredging, dike construction, bridge relocation, and related expenses.

(1) This money is contingent on \$40,000,000 from the United States army corps of engineers and \$10,000,000 from local government funds being provided for the project.

(2) The port of Gray's Harbor shall make the best possible effort to acquire additional project funding from sources other than those in subsection (1) of this section. Any money, up to \$10,000,000 provided from sources other than those in subsection (1) of this section, shall be used to reimburse or replace state building construction fund money.

(3) A maximum of \$5,000,000 of this appropriation may be spent before July 1, 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct		10,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	30,000,000	60,000,000

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

Underwater naval warfare museum

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		500,000

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

Nordic Heritage Museum

The appropriation in this section is provided solely for reconstruction, upgrading, and preservation of the main floor of the Nordic Heritage Museum to accommodate a completed Dream of America exhibit on the Pacific Northwest. This appropriation is contingent on the provision of an equal amount of money from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct		50,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		100,000

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

Washington housing trust fund

The appropriation in this section is subject to the following conditions and limitations:

(1) No expenditures from this appropriation may be made before July 1, 1988.

(2) No expenditures from this appropriation may be made until the department has completed the state-wide housing data study and the legislature has reviewed the results.

(3) The appropriation shall be used solely for capital costs associated with the purposes of the housing trust fund under RCW 43.185.050. These moneys shall be used for loans or grants for capital projects state-wide that will provide housing for persons or families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of the moneys used for loans or grants shall go to projects located in rural areas.

(4) The department shall to the maximum extent feasible use the appropriation to leverage other funds for capital costs associated with the purposes of the housing trust fund under chapter 43.185 RCW.

	Reappropriation	Appropriation
St Bldg Constr Acct		2,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,000,000

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

San Juan County courthouse restoration

This appropriation is contingent on the provision of an equal amount of money from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		600,000

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

Public Works Trust Fund

The appropriations in this section are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

	Reappropriation	Appropriation
Public Works Trust Fund Acct	25,056,743	34,972,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		35,910,257

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

Historic landmarks preservation

This appropriation is provided solely to establish a permanent fund, known as the endangered landmarks preservation fund, to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds for sale deposited in the fund.

This appropriation is provided contingent on an equal amount being provided from nonstate sources. No state funds may be spent until \$100,000 has been provided from nonstate sources. Thereafter, for each additional \$100,000 provided from nonstate sources, \$100,000 of state money may be spent.

	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
Project Costs Through 7/1/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		1,200,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

Officers' Row, city of Vancouver

The appropriation in this section is contingent on the receipt of at least an additional six million dollars being made available from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct		2,500,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
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2,500,000

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus conveyance system repairs, phase II (83-R-005)

	Reappropriation	Appropriation
St Fac Renew Acct	450,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
651,000		1,101,000

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol campus water distribution system (83-R-007)

	Reappropriation	Appropriation
St Bldg Constr Acct	475,000	
Cap Bldg Constr Acct	110,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
69,393		654,000

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Energy retrofit projects (83-R-015)

	Reappropriation	Appropriation
Cap Bldg Constr Acct	928,000	
Cap Purch & Dev Acct	100,000	
St Fac Renew Acct	50,000	
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87	Thereafter	
479,000		1,557,000

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Office Building No. 2 fire repairs and retrofit (84-1-R11)

	Reappropriation	Appropriation
St Bldg Constr Acct	320,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
3,162,000		3,482,000

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Northern State Hospital miscellaneous repairs, phase II (84-R-007)

	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
St Fac Renew Acct	320,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,731,000		2,111,000

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Small repairs and improvements (86-1-002)

	Reappropriation	Appropriation
Cap Bldg Constr Acct	80,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
420,000		500,000

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Boiler plant structural evaluation (86-1-003)

	Reappropriation	Appropriation
Cap Bldg Constr Acct	28,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
39,000		67,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State facilities routine maintenance program: Inventory and standards (86-1-004)

	Reappropriation	Appropriation
General Fund, State	20,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
380,000		400,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus HVAC repairs (86-1-009)

	Reappropriation	Appropriation
Cap Bldg Constr Acct	230,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
20,000		250,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Temple of Justice renovation (86-1-011)

	Reappropriation	Appropriation
Cap Bldg Constr Acct	2,000,000	500,000
St Bldg Constr Acct		12,212,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
648,000		15,360,000

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building renovation (86-2-013)

	Reappropriation	Appropriation
St Fac Renew Acct	390,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
580,000		970,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Campus roof repairs (86-2-015)

	Reappropriation	Appropriation
Cap Bldg Constr Acct	190,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
58,000		248,000

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Campus building: Interior revisions (86-1-017)

	Reappropriation	Appropriation
St Fac Renew Acct	25,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
259,000		284,000

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**



Campus electrical system revisions (86-2-019)

	Reappropriation	Appropriation
St Fac Renew Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		382,000
282,000		

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake preservation (86-2-024)

	Reappropriation	Appropriation
Cap Bldg Constr Acct	665,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,294,000
629,000		

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

House Office Building remodel (86-2-025)

	Reappropriation	Appropriation
St Bldg Constr Acct	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,216,000
3,986,000		

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Tacoma feasibility study (86-3-031)

	Reappropriation	Appropriation
St Bldg Constr Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87

Thereafter

100,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Fort Steilacoom property: Acquisition (86-3-032)

	Reappropriation	Appropriation
CEP & RI Acct	300,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		300,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Emergency repairs (88-1-001)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		276,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	640,000	916,000

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Small repairs and improvements (88-1-002)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		496,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	1,500,000	1,996,000

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Boiler plant structural repairs (88-1-003)

	Reappropriation	Appropriation
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Cap Bldg Constr Acct		352,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	730,000	1,082,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Archives renovation (88-2-004)

	Reappropriation	Appropriation
Cap Purch & Dev Acct		509,000
St Bldg Constr Acct		51,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	10,000	570,000

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Life safety projects: Buildings and building systems (88-1-006)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		1,127,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	3,000,000	4,127,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Hospital: Life safety repair projects (88-1-007)

	Reappropriation	Appropriation
St Bldg Constr Acct		325,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87	Thereafter	
	600,000	925,000

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol campus repairs: Inadequate building system (88-2-008)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		1,118,000
Cap Purch & Dev Acct		1,299,000
St Bldg Constr Acct		4,950,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	10,036,000	17,403,000

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Highways-Licenses Building program planning and design (88-5-011)

	Reappropriation	Appropriation
Cap Purch & Dev Acct		449,000
St Bldg Constr Acct		51,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		500,000

NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus property protection projects (88-3-012)

	Reappropriation	Appropriation
St Bldg Constr Acct		760,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	1,945,000	2,705,000

NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Motor pool consolidation: Organizational study and facility preplan (88-4-030)

	Reappropriation	Appropriation
Cap Purch & Dev Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		100,000

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Acquire Puyallup property for Puyallup extension community college facility (88-3-031)

	Reappropriation	Appropriation
St Bldg Constr Acct		6,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		6,000,000

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Child day care facility: Olympia (88-5-033)

The appropriation in this section is subject to the following conditions and limitations: The department shall employ an architect from within the state of Washington to design the facility.

	Reappropriation	Appropriation
Cap Bldg Constr Acct		450,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		450,000

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

## Campus grounds: Streets and garage repairs (90-3-009)

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,230,000	1,730,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

John A. Cherberg Building remodel, consolidation, and renovation of senate facilities

	Reappropriation	Appropriation
St Bldg Constr Acct		3,800,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	3,200,000	7,000,000

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building painting and renovation

	Reappropriation	Appropriation
Cap Bldg Constr Acct		1,365,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,365,000

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Planning and programming for east campus property, a Department of Natural Resources office building, office buildings, and relocation expenses

The appropriation in this section is subject to the following conditions and limitations:

(1) In developing the east capitol campus plan the department shall work cooperatively with the ways and means committees of the senate and

house of representatives. A final recommendation shall be issued by December 1, 1987. The final recommendation shall include a proposed plan for state building leases in Thurston county.

(2) Prior to the expenditure of any funds appropriated under this section, the department shall provide the senate and house of representatives ways and means committees with a plan and schedule for the relocation of the department of natural resources to interim office space. The plan and schedule shall provide for the interim relocation of the department of natural resources to be accomplished by March 1, 1988.

(3) The department shall study the facility needs of the criminal justice training center and report its findings to the ways and means committees of the senate and house of representatives by December 1, 1987.

(4) The department shall develop recommendations for the disposition of the old Thurston county courthouse.

(5) The department shall make recommendations for a permanent state museum.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,000,000

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Campus utility system repairs (90-3-012)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		605,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,000,000	1,605,000

**NEW SECTION. Sec. 154. FOR THE MILITARY DEPARTMENT**

Construct unit training and equipment site (84-1-001)

	Reappropriation	Appropriation
General Fund, Federal		1,124,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
1,762,000		2,886,000

**NEW SECTION. Sec. 155. FOR THE MILITARY DEPARTMENT**

Tacoma Armory rehabilitation (86-1-001)

	Reappropriation	Appropriation
General Fund, Federal		300,000
St Bldg Constr Acct	1,500,000	207,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
620,000	4,536,000	7,163,000

**NEW SECTION. Sec. 156. FOR THE MILITARY DEPARTMENT**

Watercraft support and training center (86-1-003)

The appropriations in this section are subject to the following conditions and limitations: No funds may be spent for construction of the center at a site adjacent to an urban waterfront park unless:

(1) The military department first proposes criteria for site selection that are reasonably necessary to accommodate the facilities needed at the center, and such criteria are reviewed by the department of general administration;

(2) The port in which such center is currently located and the military department concur that no alternative site meeting these criteria is available within the port; and

(3) The military department prepares an environmental impact statement on the site.

	Reappropriation	Appropriation
General Fund, Federal		669,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,170,000	9,550,000	12,389,000

**NEW SECTION. Sec. 157. FOR THE MILITARY DEPARTMENT**

Minor works (86-1-005)

Reappropriation	Appropriation
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St Bldg Constr Acct		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,764,000	1,000,000	3,264,000

NEW SECTION. Sec. 158. FOR THE MILITARY DEPARTMENT

Construct Kent Armory (86-3-007)

	Reappropriation	Appropriation
General Fund, Federal	1,467,000	1,533,000
St Bldg Constr Acct	489,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		3,489,000

NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT

Project management (88-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		245,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		245,000

NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT

Preplanning (88-2-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		174,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		174,000

NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT

## Facility roof renovation (88-3-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		700,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		700,000

NEW SECTION. Sec. 162. FOR THE MILITARY DEPARTMENT

## Exterior painting of facilities (88-3-007)

	Reappropriation	Appropriation
St Bldg Constr Acct		258,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	364,000	622,000

NEW SECTION. Sec. 163. FOR THE MILITARY DEPARTMENT

## Repair and replace leaking underground storage tanks (88-2-008)

	Reappropriation	Appropriation
General Fund, Federal		452,000
St Bldg Constr Acct		287,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		739,000

NEW SECTION. Sec. 164. FOR THE MILITARY DEPARTMENT

## Organizational maintenance shop: Bellingham (88-1-009)

	Reappropriation	Appropriation
General Fund, Federal	22,000	303,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	404,000	729,000

NEW SECTION. Sec. 165. FOR THE MILITARY DEPARTMENT

Energy conservation projects (88-4-010)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,076,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	800,000	1,876,000

NEW SECTION. Sec. 166. FOR THE MILITARY DEPARTMENT

Armory storage building (88-5-014)

	Reappropriation	Appropriation
General Fund, Federal		150,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	865,000	1,015,000

NEW SECTION. Sec. 167. FOR THE MILITARY DEPARTMENT

Theater army command, rear area company armory: Spokane (88-5-019)

	Reappropriation	Appropriation
General Fund, Federal		120,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	950,000	1,070,000

NEW SECTION. Sec. 168. FOR THE MILITARY DEPARTMENT

Military police company armory (88-5-020)

	Reappropriation	Appropriation
General Fund, Federal		200,000
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87

Thereafter

4,200,000

4,400,000

**NEW SECTION. Sec. 169. FOR THE MILITARY DEPARTMENT****Engineering company (facilities engineering) armory (88-5-021)**

Reappropriation

Appropriation

General Fund, Federal

210,000

Project

Estimated

Estimated

Costs

Costs

Total

Through

7/1/89 and

Costs

6/30/87

Thereafter

3,980,000

4,190,000

**NEW SECTION. Sec. 170. FOR THE MILITARY DEPARTMENT****Military intelligence company armory (88-5-022)**

Reappropriation

Appropriation

General Fund, Federal

400,000

Project

Estimated

Estimated

Costs

Costs

Total

Through

7/1/89 and

Costs

6/30/87

Thereafter

3,900,000

4,300,000

**NEW SECTION. Sec. 171. FOR THE MILITARY DEPARTMENT****Target acquisition battery armory (88-5-023)**

Reappropriation

Appropriation

General Fund, Federal

280,000

Project

Estimated

Estimated

Costs

Costs

Total

Through

7/1/89 and

Costs

6/30/87

Thereafter

3,995,000

4,275,000

**NEW SECTION. Sec. 172. FOR THE MILITARY DEPARTMENT****Personal service company armory: Camp Murray (88-5-024)**

Reappropriation

Appropriation

General Fund, Federal

700,000

Project

Estimated

Estimated

Costs

Costs

Total

Through 6/30/87	7/1/89 and Thereafter	Costs
	210,000	910,000

**NEW SECTION. Sec. 173. FOR THE MILITARY DEPARTMENT**

USPFO expansion: Camp Murray (89-5-008)

	Reappropriation	Appropriation
General Fund, Federal		277,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		277,000

**NEW SECTION. Sec. 174. FOR THE MILITARY DEPARTMENT**

Construct flight operations center: Geiger Field (89-5-010)

	Reappropriation	Appropriation
General Fund, Federal		3,697,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	450,000	4,147,000

**NEW SECTION. Sec. 175. FOR THE MILITARY DEPARTMENT**

Construct organizational maintenance shop: Yakima (90-5-005)

	Reappropriation	Appropriation
General Fund, Federal		37,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	527,000	564,000

**NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT**

Construct flight operation center: Gray Field, Fort Lewis (90-5-006)

	Reappropriation	Appropriation
General Fund, Federal		378,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
	5,400,000	5,778,000

NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT

Heavy equipment maintenance: Yakima Firing Center (90-5-007)

	Reappropriation	Appropriation
General Fund, Federal		145,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	2,065,000	2,210,000

NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT

AASF #1 addition: Gray Field, Fort Lewis (90-5-009)

	Reappropriation	Appropriation
General Fund, Federal		293,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	4,187,000	4,480,000

NEW SECTION. Sec. 179. FOR THE MILITARY DEPARTMENT

AASF #2: Geiger Field, Spokane (90-5-011)

	Reappropriation	Appropriation
General Fund, Federal		1,767,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	1,550,000	3,317,000

NEW SECTION. Sec. 180. FOR THE MILITARY DEPARTMENT

Northwest division headquarters: Fort Lewis (90-5-012)

	Reappropriation	Appropriation
General Fund, Federal		257,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	735,000	992,000

NEW SECTION. Sec. 181. FOR THE MILITARY DEPARTMENT  
Moses Lake Armory (90-5-013)

	Reappropriation	Appropriation
General Fund, Federal		196,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	2,800,000	2,996,000

NEW SECTION. Sec. 182. FOR THE MILITARY DEPARTMENT  
Construct Redmond Armory (90-5-014)

	Reappropriation	Appropriation
General Fund, Federal		112,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	1,238,000	1,350,000

NEW SECTION. Sec. 183. FOR THE MILITARY DEPARTMENT  
Vancouver Armory renovation (90-3-015)

	Reappropriation	Appropriation
General Fund, Federal		198,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	2,200,000	2,398,000

NEW SECTION. Sec. 184. FOR THE MILITARY DEPARTMENT  
Combined support maintenance shop addition: Camp Murray (91-5-013)

Reappropriation	Appropriation
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General Fund, Federal		40,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs

577,000

617,000

**NEW SECTION. Sec. 185. FOR THE MILITARY DEPARTMENT**

Mates addition: Yakima Firing Center (91-5-018)

	Reappropriation	Appropriation
General Fund, Federal		78,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs

1,121,000

1,199,000

**PART 2  
HUMAN RESOURCES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Referendum 37 projects (79-3-R01)

Approve, construct, renovate, and equip facilities for the care, training, and rehabilitation of persons with physical or mental handicaps, involving eight projects as recommended by the department, totaling \$353,267. Monies allocated to a project under this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1987, and approved by March 31, 1988.

	Reappropriation	Appropriation
Hndcp Fac Constr Acct LIRA, DSHS Fac	2,389,000	47,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
22,580,000		25,016,000

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**



**Referendum 29 projects (79-3-R02)**

Provides expenditure authority for projects already in progress and provides new funds from interest earnings to complete a community multi-purpose center for the handicapped in Ferry county.

	Reappropriation	Appropriation
LIRA, DSHS Fac	874,000	120,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
426,000		1,420,000

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Complete artwork for 225 bed addition: Western State Hospital (79-4-005)

	Reappropriation	Appropriation
DSHS Constr Acct	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
21,215,000		21,265,000

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Construct and equip rehabilitation center, phase IV: Lakeland Village and pool cover (79-R-005)

	Reappropriation	Appropriation
DSHS Constr Acct	6,000,000	
St Bldg Constr Acct		250,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
19,226,000		25,476,000

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

## Renovate Evergreen Center, phase IV: Rainier School (79-R-017)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,444,000
DSHS Constr Acct	900,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
27,779,000		33,123,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

## State public health lab (81-3-R10)

	Reappropriation	Appropriation
DSHS Constr Acct	100,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
998,000		1,098,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

## Energy conservation program (81-2-R11)

	Reappropriation	Appropriation
DSHS Constr Acct	25,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,146,000		2,171,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

## Fire safety improvements: Western State Hospital (83-1-006)

	Reappropriation	Appropriation
DSHS Constr Acct	175,000	
Project Costs	Estimated Costs	Estimated Total

Through 6/30/87	7/1/89 and Thereafter	Costs
81,000		256,000

**NEW SECTION, Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Repair and upgrade utilities: Maple Lane School (83-2-007)

	Reappropriation	Appropriation
DSHS Constr Acct	200,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
409,000		609,000

**NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Complete construction of three living units: Child study and treatment center (83-3-012)

	Reappropriation	Appropriation
DSHS Constr Acct	60,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
4,835,000		4,895,000

**NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Purchase and renovate Marion school and gym: Francis H. Morgan (83-R-015)

The appropriation in this section is subject to the requirement that, upon completion of renovation, the facility be used for colocated-integrated programs for Francis Haddon Morgan Center students and general population students in the Bremerton School District.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,469,000
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87	Thereafter	
2,639,000		4,108,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate wards, phase II: Eastern State Hospital (83-R-016)

	Reappropriation	Appropriation
DSHS Constr Acct	2,800,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
445,000		3,245,000

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate wards, phase II: Western State Hospital (83-R-017)

	Reappropriation	Appropriation
DSHS Constr Acct	8,000,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
4,079,000		12,079,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Artwork for education building: Greenhill School (83-4-020)

	Reappropriation	Appropriation
DSHS Constr Acct	8,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
1,792,000		1,800,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Therapy pool: Interlake School (84-R-034)

Reappropriation	Appropriation
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DSHS Constr Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,211,000		1,311,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Emergency, unanticipated, and small works contingency (86-1-010)

	Reappropriation	Appropriation
St Fac Renew Acct	525,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
452,000		977,000

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor works: Juvenile rehabilitation (86-1-020)

	Reappropriation	Appropriation
St Fac Renew Acct	1,950,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
483,000		2,433,000

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor works: Mental health (86-1-030)

	Reappropriation	Appropriation
St Fac Renew Acct	775,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
579,000		1,354,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor works: Developmental disabilities (86-1-040)

The reappropriation in this section is subject to the following conditions and limitations: A maximum of \$70,000 may be spent to purchase an intercom system at Fircrest school.

	Reappropriation	Appropriation
St Fac Renew Acct	675,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
679,000		1,354,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate main residential and training building: Mission Creek (86-1-202)

	Reappropriation	Appropriation
St Fac Renew Acct	1,850,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
198,000		2,048,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Road repair: Eastern State Hospital (86-1-335)

	Reappropriation	Appropriation
St Fac Renew Acct	140,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
996,000		1,136,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Construct and equip new food service building: Fircrest School (86-1-403)

	Reappropriation	Appropriation
DSHS Constr Acct	3,700,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
398,000		4,098,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Administrative support space: Pearl Street (86-3-409)

	Reappropriation	Appropriation
LIRA, DSHS Fac	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
28,000		78,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital repair minor works: Roads and grounds (88-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		622,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		622,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Prepare comprehensive study and make minor repairs: Interlake School (86-1-408)

	Reappropriation	Appropriation
LIRA, DSHS Fac	40,000	
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
129,000		169,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital repair minor works: Roofs (88-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,140,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	1,750,000	2,890,000

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital repair minor works: Fire safety and health (88-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,145,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	1,250,000	2,395,000

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Energy conservation management plan (88-2-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		305,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		305,000

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES



Minor projects: Juvenile rehabilitation (88-1-020)

	Reappropriation	Appropriation
St Bldg Constr Acct		932,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,000,000	1,932,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects: Mental health (88-1-030)

	Reappropriation	Appropriation
St Bldg Constr Acct		471,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	896,000	1,367,000

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects: Developmental disabilities (88-1-040)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,634,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,425,000	3,059,000

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate wards, phase III: Western State Hospital (88-1-307)

	Reappropriation	Appropriation
St Bldg Constr Acct		585,900
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87	Thereafter	
	6,197,000	6,782,900

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Renovate residences to high school support facility: Child Study Treatment Center (88-1-318)

	Reappropriation	Appropriation
St Bldg Constr Acct		947,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		947,000

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital (88-1-400)

Funds appropriated in this section shall be used to provide Western State Hospital's share, not to exceed 40.5 percent, of the capital costs of sanitary sewer interceptor construction from the town of Steilacoom to the Chamber's Creek secondary treatment facility. Capital costs may include purchase of existing capacity and connection costs.

	Reappropriation	Appropriation
St Bldg Constr Acct		4,879,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,879,000

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Construct/renovate/equip facilities

The appropriation in this section is subject to the following conditions and limitations: The department shall encourage counties to develop proposals for establishing residential mental health facilities in lieu of utilizing private hospital beds or state mental hospital beds for clients committed through the involuntary treatment act. State funds may not be allocated to counties unless in-kind matches are included as part of the total project costs. The office of financial management shall review and approve such

projects prior to any allocation of state funds.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,000,000

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Referendum 27 and Referendum 38

The appropriations in this section are subject to the following conditions and limitations: Up to sixteen full time equivalent staff per year in this act may be funded through Referendum 38 for the purpose of reviewing local water improvement accounts.

	Reappropriation	Appropriation
LIRA, Water Supp Fac	41,934,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		41,161,000

**PART 3  
HUMAN SERVICES—OTHER**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Contingency for emergencies (88-1-017)

	Reappropriation	Appropriation
CEP & RI Acct		78,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		78,000

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Program: Walla Walla veterans center (86-3-002)

The appropriation in this section is subject to the following conditions and limitations: No moneys be allotted before the execution of an agreement between the director of the office of financial management and the department of veterans affairs on the components and the amount for a preliminary assessment.

	Reappropriation	Appropriation
CEP & RI Acct	168,800	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
34,700		203,500

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor projects (88-1-018)

	Reappropriation	Appropriation
CEP & RI Acct		586,000
St Bldg Constr Acct		15,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		601,000

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Nursing care addition: Preplanning funds for 35-bed intermediate nursing addition at the soldiers' home (90-5-020)

	Reappropriation	Appropriation
General Fund, Private/Local		51,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		51,000

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Reformatory: Water system improvements (83-1-006)

	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
608,000		668,000

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Enlarge and remodel for 600 beds (83-R-029)

	Reappropriation	Appropriation
St Bldg Constr Acct	500,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
21,274,000		21,774,000

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Reformatory: Facility improvements (83-R-048)

	Reappropriation	Appropriation
St Bldg Constr Acct		7,725,000
DSHS Constr Acct	5,964,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
12,208,000	6,178,000	32,075,000

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF CORRECTIONS**

## State-wide omnibus: Various projects (83-R-049)

	Reappropriation	Appropriation
St Bldg Constr Acct	60,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
1,618,000		1,678,000

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF CORRECTIONS

## Clallam Bay Corrections Center: 500-person corrections center (83-R-051)

	Reappropriation	Appropriation
DSHS Constr Acct	495,500	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
42,501,500		42,997,000

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF CORRECTIONS

## Washington State Penitentiary facility: Renewal projects (83-R-052)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,327,000
DSHS Constr Acct	6,415,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
5,764,000		13,506,000

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF CORRECTIONS

## McNeil Island Corrections Center: Renovation of utilities (86-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,805,000
St Fac Renew Acct	1,250,000	

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
1,969,000	8,088,000	16,112,000

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Complete repairs to water transportation system (86-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,048,000
St Fac Renew Acct	1,720,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
525,000		3,293,000

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Minor projects (86-2-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,115,000
St Fac Renew Acct	1,337,500	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
758,500		4,211,000

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Small repairs and improvements (86-2-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		546,000
St Fac Renew Acct	6,600	
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87	Thereafter	
54,400	329,000	936,000

**NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Corrections Center: Building renovations (86-1-008)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,936,000
St Fac Renew Acct	2,100,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
129,000	612,000	5,777,000

**NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF CORRECTIONS**

State-wide: Transformers (PCB) code compliance (86-1-012)

	Reappropriation	Appropriation
St Fac Renew Acct	100,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
100,000		200,000

**NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF CORRECTIONS**

Construct collocated housing units at McNeil Island Corrections Center, Purdy Corrections Center for Women, and replacement of Tacoma work release (88-1-001)

The appropriation in this section is subject to the following conditions and limitations: No money may be spent until the office of financial management approves the department of corrections construction cost estimates for McNeil Island and Purdy and replacement cost estimates for Tacoma work release. The cost estimates shall be made available to the senate and house of representatives ways and means committees as soon as the office of financial management approval is granted.

	Reappropriation	Appropriation
St Bldg Constr Acct		10,265,000



Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	20,500,000	30,765,000

NEW SECTION. Sec. 318. FOR THE DEPARTMENT OF CORRECTIONS

Life safety and code compliance (88-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,540,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		1,540,000

NEW SECTION. Sec. 319. FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Minor works projects, wastewater treatment (88-1-017)

	Reappropriation	Appropriation
St Bldg Constr Acct		708,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		708,000

NEW SECTION. Sec. 320. FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Minor works projects, water systems (88-1-018)

	Reappropriation	Appropriation
St Bldg Constr Acct		422,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		422,000

NEW SECTION. Sec. 321. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Reroof building (88-3-019)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,065,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,065,000

NEW SECTION. Sec. 322. FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Emergency repair projects (86-1-010)

	Reappropriation	Appropriation
St Bldg Constr Acct	70,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
330,000		400,000

NEW SECTION. Sec. 323. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Local jail facilities: To complete jail construction/renovation to meet physical plant standards for jail construction.

	Reappropriation	Appropriation
St Bldg Constr Acct		3,000,000
Local Jail Imp & Constr Acct	2,039,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		5,039,000

PART 4  
K-12 EDUCATION

NEW SECTION. Sec. 401. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1977 (77-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	25,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
85,000		110,000

NEW SECTION. Sec. 402. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1979 (79-3-002)

	Reappropriation	Appropriation
Common School Constr Fund	250,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
513,000		763,000

NEW SECTION. Sec. 403. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1981 (81-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	400,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
41,600,000		42,000,000

NEW SECTION. Sec. 404. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1983 (83-3-001)

	Reappropriation	Appropriation
Common School Constr Fund	1,600,000	
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87	Thereafter	
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84,798,000		86,398,000
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NEW SECTION. Sec. 405. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1985-87 (86-4-001)

	Reappropriation	Appropriation
Common School Constr Fund	45,000,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
93,275,000		138,275,000

NEW SECTION. Sec. 406. FOR THE STATE BOARD OF EDUCATION

Planning grants: 1985-87 (86-4-007)

	Reappropriation	Appropriation
Common School Constr Fund	450,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
50,000		500,000

NEW SECTION. Sec. 407. FOR THE STATE BOARD OF EDUCATION

Artwork grants: 1985-87 (86-4-008)

	Reappropriation	Appropriation
Common School Constr Fund	215,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
230,000		445,000

\*NEW SECTION. Sec. 408. FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1987 (88-2-001)

The appropriation in this section is subject to the following conditions and limitations:

*(1) \$133,382,000 of the appropriation in this section is provided solely for elementary and secondary school construction and modernization projects for which state assistance is limited to the state matching percentage calculated pursuant to RCW 28A.47.803(2).*

(2) A maximum of \$955,000 of the appropriation in this section may be spent for state administration of school construction funding.

\*Sec. 408 was partially vetoed, see message at end of chapter.

	Reappropriation	Appropriation
Common School Constr Fund		134,337,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		134,337,000

**NEW SECTION. Sec. 409. FOR THE STATE BOARD OF EDUCATION**

Common school disbursement limit

A maximum of \$152,230,000 of the appropriations and reappropriations in sections 301 through 308 of this act may be disbursed during the 1987-89 biennium.

**NEW SECTION. Sec. 410. FOR THE STATE BOARD OF EDUCATION**

Public school building construction: 1987 (88-2-002)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$85,000,000 of the appropriation in this section may be disbursed during the 1987-89 biennium. The appropriation in this section is contingent on voter approval, in a general election held in November 1987, of the proposed constitutional amendments in Engrossed House Joint Resolution No. 4220. If the resolution is not submitted to and approved by the voters in November 1987, the appropriation shall lapse.

	Reappropriation	Appropriation
Common School Constr Fund		113,937,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		113,937,000

**NEW SECTION. Sec. 411. FOR THE VOCATIONAL TECHNOLOGY CENTER CORPORATION**

Acquisition of a vocational technology center building in Seattle. This appropriation is contingent on enactment of Senate Bill No. 5996.

	Reappropriation	Appropriation
St Bldg Constr Acct		6,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		6,000,000

**\*NEW SECTION. Sec. 412. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

*Nine Mile Falls School District: Capital planning and reimbursement of interim transportation costs.*

	Reappropriation	Appropriation
St Bldg Constr Acct		126,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		126,000

\*Sec. 412 was vetoed, see message at end of chapter.

PART 5  
COLLEGES AND UNIVERSITIES

**NEW SECTION. Sec. 501. FOR THE UNIVERSITY OF WASHINGTON**

Roberts Hall renovation (83-1-012)

	Reappropriation	Appropriation
Higher Ed Reimb S/T Bonds Acct	5,640,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
4,685,000		10,325,000

NEW SECTION. Sec. 502. FOR THE UNIVERSITY OF WASHINGTON

Safety: Fire code (86-1-001)

	Reappropriation	Appropriation
St H Ed Constr Acct	4,800,000	
St Bldg Constr Acct		5,707,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
980,000	6,000,000	17,487,000

NEW SECTION. Sec. 503. FOR THE UNIVERSITY OF WASHINGTON

Life safety: Code compliance (86-1-002)

	Reappropriation	Appropriation
St H Ed Constr Acct	500,000	
St Bldg Constr Acct		3,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
500,000	3,000,000	7,000,000

NEW SECTION. Sec. 504. FOR THE UNIVERSITY OF WASHINGTON

Safety: General (86-1-003)

	Reappropriation	Appropriation
St H Ed Constr Acct	600,000	
St Bldg Constr Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
400,000	2,000,000	4,000,000

NEW SECTION. Sec. 505. FOR THE UNIVERSITY OF WASHINGTON

## Minor works: Building renewal (86-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,805,000
St Fac Renew Acct	605,000	
UW Bldg Acct	2,000,000	1,965,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
4,366,000		36,755,000

NEW SECTION. Sec. 506. FOR THE UNIVERSITY OF WASHINGTON

## Minor works: Program renewal (86-3-005)

	Reappropriation	Appropriation
St H Ed Constr Acct	3,500,000	
UW Bldg Acct		11,027,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
4,975,600	22,509,000	43,107,000

NEW SECTION. Sec. 507. FOR THE UNIVERSITY OF WASHINGTON

## SIEG computer science: Electrical (CR-86-1-007)

	Reappropriation	Appropriation
St Fac Renew Acct	600,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
520,000		1,120,000

NEW SECTION. Sec. 508. FOR THE UNIVERSITY OF WASHINGTON

## G Wing renovation (86-1-011)

	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	5,890,000	



Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
407,000		6,911,000

NEW SECTION. Sec. 509. FOP. THE UNIVERSITY OF WASHINGTON

Fisheries repairs and expansion of marine institute building (86-1-014)

	Reappropriation	Appropriation
St H Ed Constr Acct	5,750,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
250,000		6,000,000

NEW SECTION. Sec. 510. FOR THE UNIVERSITY OF WASHINGTON

Energy conservation: State energy audit (86-4-023)

	Reappropriation	Appropriation
St H Ed Constr Acct	864,000	
St Bldg Constr Acct		1,000,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
81,000		1,945,000

NEW SECTION. Sec. 511. FOR THE UNIVERSITY OF WASHINGTON

Pavilion roof (88-1-009)

	Reappropriation	Appropriation
St Bldg Constr Acct		732,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		732,000

NEW SECTION. Sec. 512. FOR THE UNIVERSITY OF WASHINGTON

Electrical distribution system (88-1-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,500,000

NEW SECTION. Sec. 513. FOR THE UNIVERSITY OF WASHINGTON

Power plant chiller (88-1-012)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,000,000

NEW SECTION. Sec. 514. FOR THE UNIVERSITY OF WASHINGTON

Communications building renovation (88-2-014)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,555,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,555,000

NEW SECTION. Sec. 515. FOR THE UNIVERSITY OF WASHINGTON

H Wing renovation (88-2-015)

	Reappropriation	Appropriation
St Bldg Constr Acct		733,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
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733,000

NEW SECTION. Sec. 516. FOR THE UNIVERSITY OF WASHINGTON

Health science building expansion (H Wing) (86-1-021)

	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	135,000	
St Bldg Constr Acct		21,135,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
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41,000

21,311,000

NEW SECTION. Sec. 517. FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler (88-2-022)

	Reappropriation	Appropriation
St Bldg Constr Acct		693,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
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693,000

NEW SECTION. Sec. 518. FOR THE UNIVERSITY OF WASHINGTON

Suzzallo Library addition (88-3-013)

The appropriation in this section is subject to the following conditions and limitations: Disbursements from the state building construction account shall not exceed \$7,917,000 in the 1987-89 biennium.

	Reappropriation	Appropriation
St Bldg Constr Acct		28,283,000

Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs
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6/30/87	Thereafter	
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1,043,000		33,626,000
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NEW SECTION. Sec. 519. FOR THE WASHINGTON STATE UNIVERSITY

Electrical and mechanical engineering building (83-3-002)

	Reappropriation	Appropriation
WSU Bldg Acct	296,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
13,480,000		13,776,000

NEW SECTION. Sec. 520. FOR THE WASHINGTON STATE UNIVERSITY

McCoy Hall remodeling, phase I (83-3-005)

	Reappropriation	Appropriation
WSU Bldg Acct	80,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
80,000		160,000

NEW SECTION. Sec. 521. FOR THE WASHINGTON STATE UNIVERSITY

Minor capital improvements (86-1-001)

	Reappropriation	Appropriation
WSU Bldg Acct	1,398,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
6,033,000		7,431,000

NEW SECTION. Sec. 522. FOR THE WASHINGTON STATE UNIVERSITY

Minor capital renewal (86-1-002)

Reappropriation	Appropriation
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St Fac Renew Acct	908,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,092,000		3,000,000

**NEW SECTION. Sec. 523. FOR THE WASHINGTON STATE UNIVERSITY**

Chemistry building, phase II (86-1-003)

	Reappropriation	Appropriation
H Ed Constr Acct	13,260,000	
St Bldg Constr Acct		3,616,000
WSU Bldg Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,430,000		19,306,000

**NEW SECTION. Sec. 524. FOR THE WASHINGTON STATE UNIVERSITY**

Food and human nutrition facility: Equipment (86-1-004)

	Reappropriation	Appropriation
H Ed Constr Acct	4,454,000	
St H Ed Constr Acct	5,850,000	
WSU Bldg Acct	1,860,000	1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
634,000		13,798,000

**NEW SECTION. Sec. 525. FOR THE WASHINGTON STATE UNIVERSITY**

McCoy Hall capital renewal (86-1-005)

	Reappropriation	Appropriation
H Ed Constr Acct	2,249,000	
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/87	7/1/89 and Thereafter	Costs
		2,249,000

NEW SECTION. Sec. 526. FOR THE WASHINGTON STATE UNIVERSITY

Science Hall renewal, phase II and completion (86-1-006)

	Reappropriation	Appropriation
H Ed Constr Acct	11,118,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
591,000		11,709,000

NEW SECTION. Sec. 527. FOR THE WASHINGTON STATE UNIVERSITY

Neill Hall renewal (86-3-007)

	Reappropriation	Appropriation
St H Ed Constr Acct	460,000	
WSU Bldg Acct		3,250,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,540,000		6,250,000

NEW SECTION. Sec. 528. FOR THE WASHINGTON STATE UNIVERSITY

Feed preparation, mixing, and storage facility (86-1-012)

	Reappropriation	Appropriation
St H Ed Constr Acct	500,000	
WSU Bldg Acct	898,000	350,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
102,000		1,850,000

NEW SECTION. Sec. 529. FOR THE WASHINGTON STATE UNIVERSITY

Minor capital improvements (88-1-001)

	Reappropriation	Appropriation
WSU Bldg Acct		4,800,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	9,260,000	14,060,000

NEW SECTION. Sec. 530. FOR THE WASHINGTON STATE UNIVERSITY

Minor capital renewal (88-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		6,344,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	10,000,000	16,344,000

NEW SECTION. Sec. 531. FOR THE WASHINGTON STATE UNIVERSITY

Preplanning (88-1-004)

	Reappropriation	Appropriation
WSU Bldg Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,000,000

NEW SECTION. Sec. 532. FOR THE WASHINGTON STATE UNIVERSITY

Carpenter Hall renewal (88-2-005)

	Reappropriation	Appropriation
H Ed Constr Acct		3,200,000
WSU Bldg Acct		3,000,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/87	7/1/89 and Thereafter	Costs
66,000		6,266,000

NEW SECTION. Sec. 533. FOR THE WASHINGTON STATE UNIVERSITY

Tri-Cities University Center (88-2-041)

	Reappropriation	Appropriation
St Bldg Constr Acct		720,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	9,534,000	10,254,000

NEW SECTION. Sec. 534. FOR THE WASHINGTON STATE UNIVERSITY

Veterinary research and diagnostic center (88-5-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	2,983,000	3,233,000

NEW SECTION. Sec. 535. FOR THE WASHINGTON STATE UNIVERSITY

Dairy forage facility, Buckley (88-1-007)

	Reappropriation	Appropriation
WSU Bldg Acct		1,182,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		1,182,000

NEW SECTION. Sec. 536. FOR THE WASHINGTON STATE UNIVERSITY



Todd Hall addition and renovation (88-1-011)

	Reappropriation	Appropriation
H Ed Constr Acct		5,332,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	6,952,000	12,284,000

NEW SECTION. Sec. 537. FOR THE EASTERN WASHINGTON UNIVERSITY

Math science and technology building (81-R-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	197,000	3,739,000
	3,392,000	

NEW SECTION. Sec. 538. FOR THE EASTERN WASHINGTON UNIVERSITY

Science building: Addition of laboratory space (83-R-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		6,827,000
EWU Cap Proj Acct	1,858,000	124,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	219,000	17,564,000
	8,536,000	

NEW SECTION. Sec. 539. FOR THE EASTERN WASHINGTON UNIVERSITY

Electrical system renewal: Code compliance (86-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,914,000
St Fac Renew Acct	1,463,000	
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
50,000		3,427,000

NEW SECTION. Sec. 540. FOR THE EASTERN WASHINGTON UNIVERSITY

Roof replacement (86-1-003)

	Reappropriation	Appropriation
St H Ed Constr Acct	540,000	
St Bldg Constr Acct		315,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
60,000	300,000	1,215,000

NEW SECTION. Sec. 541. FOR THE EASTERN WASHINGTON UNIVERSITY

Water storage and distribution (86-1-004)

The appropriation in this section is subject to the following conditions and limitations: No moneys shall be allotted by the office of financial management for construction of a water storage facility before the office of financial management does a full review of the ability of the city of Cheney to provide adequate water supplies to the university. If, in the opinion of the office of financial management the city is able to provide adequate water capacity to the university, the money for the water storage facility shall revert.

	Reappropriation	Appropriation
St H Ed Constr Acct	1,130,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
40,000		1,170,000

NEW SECTION. Sec. 542. FOR THE EASTERN WASHINGTON UNIVERSITY

Energy conservation (86-2-006)

Reappropriation	Appropriation
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St H Ed Constr Acct	460,000	
St Bldg Constr Acct		56,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
40,000		556,000

**NEW SECTION. Sec. 543. FOR THE EASTERN WASHINGTON UNIVERSITY**

Minor works projects (86-1-010)

	Reappropriation	Appropriation
EWU Cap Proj Acct	250,000	1,240,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
410,000	3,646,000	5,546,000

**NEW SECTION. Sec. 544. FOR THE EASTERN WASHINGTON UNIVERSITY**

Small repairs and improvements (86-1-011)

	Reappropriation	Appropriation
EWU Cap Proj Acct		617,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
76,000	1,418,000	2,111,000

**NEW SECTION. Sec. 545. FOR THE EASTERN WASHINGTON UNIVERSITY**

Life safety: Code compliance (88-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		309,000
EWU Cap Proj Acct		374,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87	Thereafter	
	3,798,000	4,481,000

**NEW SECTION. Sec. 546. FOR THE EASTERN WASHINGTON UNIVERSITY**

Fire suppression systems (88-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		526,000
EWU Cap Proj Acct	3,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
47,000	2,738,000	3,314,000

**NEW SECTION. Sec. 547. FOR CENTRAL WASHINGTON UNIVERSITY**

Renewal and utilization of campus buildings (CR-88-1-001)

	Reappropriation	Appropriation
CWU Cap Proj Acct	45,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
41,000		86,000

**NEW SECTION. Sec. 548. FOR CENTRAL WASHINGTON UNIVERSITY**

Nicholson Pavilion addition, phase II (88-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		3,863,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		3,863,000

**NEW SECTION. Sec. 549. FOR CENTRAL WASHINGTON UNIVERSITY**

Telecommunications system (88-2-003)

The appropriation in this section is provided solely for an on-campus communications system and shall not be spent until the university demonstrates to the office of financial management that the purchase of a telecommunication system is less expensive than leasing a comparable system. The cost comparison between leasing and purchasing shall be determined on the basis of a life-cycle cost analysis which includes, but is not limited to, maintenance, depreciation, overhead, installation, training, and operating costs.

	Reappropriation	Appropriation
CWU Cap Proj Acct		1,800,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	2,100,000	3,900,000

NEW SECTION. Sec. 550. FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor capital improvements (83-R-003)

	Reappropriation	Appropriation
CWU Cap Proj Acct	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,359,000	1,509,000

NEW SECTION. Sec. 551. FOR THE CENTRAL WASHINGTON UNIVERSITY

Additional staff space: Computer center (83-3-063)

	Reappropriation	Appropriation
CWU Cap Proj Acct	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	33,000	183,000

NEW SECTION. Sec. 552. FOR THE CENTRAL WASHINGTON UNIVERSITY

## Nicholson Pavilion, phase I (86-3-001)

	Reappropriation	Appropriation
St H Ed Constr Acct	1,332,000	
CWU Cap Proj Acct	1,150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
168,000		2,650,000

NEW SECTION. Sec. 553. FOR THE CENTRAL WASHINGTON UNIVERSITY

## Energy savings projects (86-2-005)

	Reappropriation	Appropriation
CWU Cap Proj Acct	200,000	715,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
100,000	133,000	1,148,000

NEW SECTION. Sec. 554. FOR THE CENTRAL WASHINGTON UNIVERSITY

## Minor works projects (86-2-007)

	Reappropriation	Appropriation
CWU Cap Proj Acct	1,120,000	1,194,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
699,000	2,593,000	5,606,000

NEW SECTION. Sec. 555. FOR THE CENTRAL WASHINGTON UNIVERSITY

## Small repairs and improvements (86-3-013)

	Reappropriation	Appropriation
CWU Cap Proj Acct	175,000	
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/87	7/1/89 and Thereafter	Costs
358,000		533,000

NEW SECTION. Sec. 556. FOR THE CENTRAL WASHINGTON UNIVERSITY

Life safety: Code compliance (88-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,757,000
CWU Cap Proj Acct		462,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		4,308,000

NEW SECTION. Sec. 557. FOR THE CENTRAL WASHINGTON UNIVERSITY

Handicap modifications (88-1-007)

	Reappropriation	Appropriation
CWU Cap Proj Acct		715,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	133,000	848,000

NEW SECTION. Sec. 558. FOR THE EVERGREEN STATE COLLEGE

Capital renewal program (86-2-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,090,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
1,200,000		3,290,000

NEW SECTION. Sec. 559. FOR THE EVERGREEN STATE COLLEGE

## Energy conservation projects (86-2-008)

	Reappropriation	Appropriation
St H Ed Constr Acct	90,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
818,000		908,000

NEW SECTION. Sec. 560. FOR THE EVERGREEN STATE COLLEGE

## Lab annex remodel (86-1-099)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,008,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
75,000		1,083,000

NEW SECTION. Sec. 561. FOR THE EVERGREEN STATE COLLEGE

## Life safety: Code compliance (88-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,184,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	778,000	1,962,000

NEW SECTION. Sec. 562. FOR THE EVERGREEN STATE COLLEGE

## Isolated chemical storage lab (88-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		21,000
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs



6/30/87

Thereafter

21,000

**NEW SECTION. Sec. 563. FOR THE EVERGREEN STATE COLLEGE**

Pharmacy remodel (88-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		15,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		15,000

**NEW SECTION. Sec. 564. FOR THE EVERGREEN STATE COLLEGE**

Handicapped access (88-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		120,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		120,000

**NEW SECTION. Sec. 565. FOR THE EVERGREEN STATE COLLEGE**

Failed systems (88-2-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		611,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		611,000

**NEW SECTION. Sec. 566. FOR THE EVERGREEN STATE COLLEGE**

Minor works (88-2-008)

Reappropriation	Appropriation
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St Bldg Constr Acct		428,000
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Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	273,000	701,000

NEW SECTION. Sec. 567. FOR THE EVERGREEN STATE COLLEGE

Grounds equipment storage facility (88-3-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		159,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		159,000

NEW SECTION. Sec. 568. FOR THE EVERGREEN STATE COLLEGE

Emergency repairs (88-2-013)

	Reappropriation	Appropriation
TESC Cap Proj Acct		121,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		121,000

NEW SECTION. Sec. 569. FOR THE EVERGREEN STATE COLLEGE

Small repairs and improvements (88-2-015)

	Reappropriation	Appropriation
TESC Cap Proj Acct		136,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		136,000

NEW SECTION. Sec. 570. FOR THE EVERGREEN STATE COLLEGE

Energy audit compliance renovation (88-2-016)

	Reappropriation	Appropriation
St Bldg Constr Acct		205,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		205,000

NEW SECTION. Sec. 571. FOR THE EVERGREEN STATE COLLEGE

Small chiller (88-4-021)

	Reappropriation	Appropriation
St Bldg Constr Acct		216,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		216,000

NEW SECTION. Sec. 572. FOR THE EVERGREEN STATE COLLEGE

Library third floor remodel (90-2-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		10,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	508,000	518,000

NEW SECTION. Sec. 573. FOR THE EVERGREEN STATE COLLEGE

Lab annex remodel: Metal and wood support shops (90-5-008)

	Reappropriation	Appropriation
St Bldg Constr Acct		6,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
	683,000	689,000

NEW SECTION. Sec. 574. FOR THE EVERGREEN STATE COLLEGE

Campus recreation center, phase II: Gym (88-5-017)

	Reappropriation	Appropriation
St Bldg Constr Acct		6,773,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		6,773,000

NEW SECTION. Sec. 575. FOR THE WESTERN WASHINGTON UNIVERSITY

Construct technology building and remodel art and technology building, phase II (84-3-001)

	Reappropriation	Appropriation
St H Ed Constr Acct	975,000	
St Bldg Constr Acct		3,310,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
6,097,000		10,382,000

NEW SECTION. Sec. 576. FOR THE WESTERN WASHINGTON UNIVERSITY

Supplemental equipment for technology building and art and technology building (84-2-003)

	Reappropriation	Appropriation
WWU Cap Proj Acct		1,013,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		1,013,000

**NEW SECTION. Sec. 577. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor works request: Small repairs and improvements (87-2-004)

	Reappropriation	Appropriation
St H Ed Constr Acct	175,000	
WWU Cap Proj Acct	910,000	4,697,000
St Fac Renew Acct	160,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	7,292,000	3,545,000
		16,779,000

**NEW SECTION. Sec. 578. FOR THE WESTERN WASHINGTON UNIVERSITY**

Programming and planning science facilities (88-2-001)

The appropriation in this section is subject to the following conditions and limitations: No moneys shall be allotted by the office of financial management before the execution of a preprogrammatic and subsequent pre-planning agreement between Western Washington University and the director of the office of financial management on the major components of the program, methods, alternatives, and final cost estimate.

	Reappropriation	Appropriation
WWU Cap Proj Acct		1,200,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		1,200,000

**PART 6  
COMMUNITY COLLEGES**

**NEW SECTION. Sec. 601. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Heating, ventilation, and air conditioning repairs (83-2-007)

	Reappropriation	Appropriation
St H Ed Constr Acct	109,000	
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
983,000		1,092,000

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Clark College heating system (83-1-008)

	Reappropriation	Appropriation
St H Ed Constr Acct	34,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
4,682,000		4,716,000

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

The Evergreen State College and Clark College: Joint facility (83-3-009)

	Reappropriation	Appropriation
St H Ed Constr Acct	18,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
1,482,000		1,500,000

NEW SECTION. Sec. 604. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Emergency repair and repairs, maintenance, and improvements (83-1-001)

	Reappropriation	Appropriation
St H Ed Constr Acct	5,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
441,000		446,000

NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor repair and improvement projects (81-3-R05)

	Reappropriation	Appropriation
Com Col Cap Proj Acct	51,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		484,000
		433,000

NEW SECTION. Sec. 606. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor capital improvements (83-2-002)

	Reappropriation	Appropriation
St H Ed Constr Acct	89,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,910,000
		2,821,000

NEW SECTION. Sec. 607. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Roof repairs (83-1-003)

	Reappropriation	Appropriation
St H Ed Constr Acct	14,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,051,000
		2,037,000

NEW SECTION. Sec. 608. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General repairs (83-1-006)

	Reappropriation	Appropriation
St H Ed Constr Acct	65,000	
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
670,000		735,000

**NEW SECTION. Sec. 609. FOR THE STATE BOARD FOR  
COMMUNITY COLLEGE EDUCATION**

Minor works request (RMI) (86-1-001)

	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	1,446,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
1,654,000		3,100,000

**NEW SECTION. Sec. 610. FOR THE STATE BOARD FOR  
COMMUNITY COLLEGE EDUCATION**

State Board for Community College Education emergency repair fund  
(86-1-002)

	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	393,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
107,000		500,000

**NEW SECTION. Sec. 611. FOR THE STATE BOARD FOR  
COMMUNITY COLLEGE EDUCATION**

Critical repair projects (86-1-003)

	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	1,497,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
5,059,000		6,556,000

**NEW SECTION. Sec. 612. FOR THE STATE BOARD FOR  
COMMUNITY COLLEGE EDUCATION**



General repair projects (86-1-004)

	Reappropriation	Appropriation
St Fac Renew Acct	4,499,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
4,825,000		9,324,000

NEW SECTION. Sec. 613. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Energy conservation projects (86-1-005)

	Reappropriation	Appropriation
St Fac Renew Acct	1,736,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
761,000		2,497,000

NEW SECTION. Sec. 614. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor renovations (86-2-006)

	Reappropriation	Appropriation
St Fac Renew Acct	5,228,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,881,000		7,109,000

NEW SECTION. Sec. 615. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor remodel projects (86-2-007)

	Reappropriation	Appropriation
St Fac Renew Acct	1,014,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87                      Thereafter

1,036,000    2,050,000

NEW SECTION. Sec. 616. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Purchase Clarkston facility (86-3-008)

	Reappropriation	Appropriation
St H Ed Constr Acct	161,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		500,000
339,000		

NEW SECTION. Sec. 617. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Construct main storage building: Clark (86-3-009)

	Reappropriation	Appropriation
St H Ed Constr Acct	463,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		503,000
40,000		

NEW SECTION. Sec. 618. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor improvements: Various campuses (86-3-011)

	Reappropriation	Appropriation
St H Ed Constr Acct	2,490,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		6,007,000
3,517,000		

NEW SECTION. Sec. 619. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Edison North renovation II: Seattle Central (86-3-013)

Reappropriation	Appropriation
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St H Ed Constr Acct	3,372,000	
St Bldg Constr Acct		4,691,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
288,000		8,351,000

NEW SECTION. Sec. 620. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Construct core facility and instructional space: Whatcom (86-3-015)

	Reappropriation	Appropriation
St H Ed Constr Acct	2,438,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,593,000		5,031,000

NEW SECTION. Sec. 621. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Science facility: Columbia Basin (86-3-016)

	Reappropriation	Appropriation
St H Ed Constr Acct	863,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,043,000		2,906,000

NEW SECTION. Sec. 622. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Replace relocatable buildings: Pierce (86-3-017)

	Reappropriation	Appropriation
St H Ed Constr Acct	3,117,000	
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87	Thereafter	
1,529,000		4,646,000

**NEW SECTION. Sec. 623. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Prior hall renovation: Yakima Valley (86-1-018)

	Reappropriation	Appropriation
St H Ed Constr Acct	1,524,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
128,000		1,652,000

**NEW SECTION. Sec. 624. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Food service building: Olympic (86-3-019)

	Reappropriation	Appropriation
St H Ed Constr Acct	3,644,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
523,000		4,167,000

**NEW SECTION. Sec. 625. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Vocational science facility: Wenatchee (86-3-020)

	Reappropriation	Appropriation
St H Ed Constr Acct	2,305,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
115,000		2,420,000

**NEW SECTION. Sec. 626. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Extension facility and site development: Puyallup (86-3-021)

	Reappropriation	Appropriation
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St H Ed Constr Acct	247,000	
St Bldg Constr Acct		5,376,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
28,000		5,623,000

**NEW SECTION. Sec. 627. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Tech building and related remodeling: Skagit Valley (86-3-022)

	Reappropriation	Appropriation
St H Ed Constr Acct	67,000	
St Bldg Constr Acct		3,400,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
133,000		3,600,000

**NEW SECTION. Sec. 628. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Heavy equipment building: Grays Harbor (86-3-023)

	Reappropriation	Appropriation
St H Ed Constr Acct	57,000	
St Bldg Constr Acct		718,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
3,000		778,000

**NEW SECTION. Sec. 629. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Learning resource center: South Puget Sound (86-3-025)

	Reappropriation	Appropriation
St H Ed Constr Acct	327,000	
St Bldg Constr Acct		6,859,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/87	7/1/89 and Thereafter	Costs
48,000		7,234,000

NEW SECTION. Sec. 630. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Heavy equipment building: South Seattle (86-3-026)

	Reappropriation	Appropriation
St H Ed Constr Acct	150,000	
St Bldg Constr Acct		4,447,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
16,000		4,613,000

NEW SECTION. Sec. 631. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Preplanning for 1987-89 major projects (86-4-999)

	Reappropriation	Appropriation
St H Ed Constr Acct	254,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
203,000		457,000

NEW SECTION. Sec. 632. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Energy grant: Tacoma (86-3-030)

	Reappropriation	Appropriation
General Fund, State	185,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		185,000

NEW SECTION. Sec. 633. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Program: planning, design, and construction: Library/student center, Everett (86-2-031)

	Reappropriation	Appropriation
General Fund, State	470,000	
St Bldg Constr Acct		7,991,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		8,461,000

NEW SECTION. Sec. 634. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor works (RMI) (88-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		3,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		3,500,000

NEW SECTION. Sec. 635. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Repairs: Exterior walls (19) (88-3-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,264,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,264,000

NEW SECTION. Sec. 636. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Repairs: Mechanical and HVAC (16) (88-3-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,075,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
		4,075,000

NEW SECTION. Sec. 637. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Minor improvements (88-3-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		13,764,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		13,764,000

NEW SECTION. Sec. 638. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Repairs: Electrical (7) (88-3-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,392,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		1,392,000

NEW SECTION. Sec. 639. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Repairs: Sites and interiors (19) (88-3-007)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,926,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		1,926,000

NEW SECTION. Sec. 640. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION



Agricultural technology building: Walla Walla (88-3-008)

	Reappropriation	Appropriation
St Bldg Constr Acct		169,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	2,946,000	3,115,000

NEW SECTION. Sec. 641. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Purchase applied technology training center: Edmonds (88-3-009)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,686,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,686,000

NEW SECTION. Sec. 642. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Vocational shop: Wenatchee Valley (88-3-010)

	Reappropriation	Appropriation
St Bldg Constr Acct		75,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	880,000	955,000

NEW SECTION. Sec. 643. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Computer facility: Edmonds (88-3-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		211,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87	Thereafter	
	3,624,000	3,835,000

**NEW SECTION. Sec. 644. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Learning resource center: Clark (88-3-012)

	Reappropriation	Appropriation
St Bldg Constr Acct		303,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	6,077,000	6,380,000

**NEW SECTION. Sec. 645. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Sunnyside extension center: Yakima Valley (88-3-013)

	Reappropriation	Appropriation
St Bldg Constr Acct		105,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	1,586,000	1,691,000

**NEW SECTION. Sec. 646. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Preplanning for 1989-93 major projects (88-4-014)

	Reappropriation	Appropriation
St Bldg Constr Acct		497,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	33,600,000	34,097,000

**NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Math and science addition: Spokane Falls (88-3-015)

Reappropriation	Appropriation
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St Bldg Constr Acct		240,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	5,510,000	5,750,000

**NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Learning resource center: Spokane (88-3-016)

	Reappropriation	Appropriation
St Bldg Constr Acct		265,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	5,270,000	5,535,000

**NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Construct Clarkston extension center: Walla Walla Community College (88-3-017)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,532,000
St Fac Renew Acct	482,000	
St H Ed Constr Acct	161,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	342,000	3,517,000

**NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Tacoma computer center (88-3-018)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,558,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

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6/30/87

Thereafter

2,558,000

**NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Learning assistance center: Centralia (90-3-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		202,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	4,012,000	4,214,000

**NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Tech labs: Highline (90-3-023)

	Reappropriation	Appropriation
St Bldg Constr Acct		173,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	2,595,000	2,768,000

**PART 7  
NATURAL RESOURCES**

**NEW SECTION. Sec. 701. FOR THE DEPARTMENT OF ECOLOGY**

Waste disposal facilities (86-2-002)

	Reappropriation	Appropriation
LIRA, Waste Disp Fac	38,800,000	6,740,100
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		45,540,100

NEW SECTION. Sec. 702. FOR THE DEPARTMENT OF ECOLOGY

Waste disposal facilities: 1980 (88-2-001)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$1,500,000 of the appropriation may be expended for planning assistance to any ground water management areas created pursuant to chapter 453, Laws of 1985. Such assistance shall be allocated in a manner consistent with chapter 3, Laws of 1986.

	Reappropriation	Appropriation
LIRA, Waste Fac 1980	235,300,000	3,330,900
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		239,305,900

NEW SECTION. Sec. 703. FOR THE DEPARTMENT OF ECOLOGY

Water quality projects (88-3-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of the water quality account appropriation is provided solely for hazardous waste planning assistance, consistent with chapter 3, Laws of 1986. If House Bill No. 434 is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(2) In developing rules to administer chapter 3, Laws of 1986 and in awarding grants, extended grant payments, or loans from the water quality account, the department shall include, but not be limited to the following:

(a) For facilities that discharge directly into marine waters, the department shall:

(i) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(ii) Give second priority to projects which reduce combined sewer overflows; and

(iii) Encourage economics that are derived from any simultaneous projects which achieve both (i) and (ii) of this subsection.

(b) In determining the appropriate level of state assistance for eligible facilities and activities, the department shall consider:

(i) The need to provide additional assistance for eligible activities undertaken by local public bodies which lack taxing or revenue generating authority; and

(ii) The need to provide additional assistance for eligible facilities undertaken by local public bodies that would suffer severe financial hardship in the absence of such additional assistance.

(c) The department shall place such funds as may be necessary from the water quality account into a state revolving loan fund to be used to match capitalization funds provided by the federal environmental protection agency under Public Law 100-4. The department shall also gradually arrange for a transition in the assistance program toward the use of loans.

(d) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(i) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(ii) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(iii) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(iv) Not more than ten percent for activities which control nonpoint source water pollution;

(v) Ten percent and such sums as may be remaining from the categories specified in (i) through (iv) of this subsection for water pollution control activities or facilities as determined by the department.

(5) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department 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 facilities.

	Reappropriation	Appropriation
State Water Quality Acct		75,660,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	174,600,000	250,260,000

**NEW SECTION. Sec. 704. FOR THE DEPARTMENT OF ECOLOGY**

Emergency water project revolving account (88-2-004)

	Reappropriation	Appropriation
State Emerg Water Proj Rev	4,000,000	225,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	

4,225,000

NEW SECTION. Sec. 705. FOR THE DEPARTMENT OF ECOLOGY

Water supply facilities (88-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$500,000 of this reappropriation may be expended to complete the Lake Osoyoos international water control structure authorized by chapter 76, Laws of 1982. This amount is in addition to the \$3,000,000 previously appropriated for this purpose.

(2) Funds previously appropriated for the East Selah reregulating reservoir shall be reallocated for purposes of early implementation of the Yakima river basin water enhancement project in order to financially assist irrigators in making up 80,000 acre feet of water per year lost because of a 1980 court decision.

	Reappropriation	Appropriation
LIRA, Water Sup Fac	30,500,000	928,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		31,428,000

NEW SECTION. Sec. 706. FOR THE CONSERVATION COMMISSION

Water quality projects

	Reappropriation	Appropriation
State Water Quality Acct		1,940,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	4,365,000	6,305,000

NEW SECTION. Sec. 707. FOR THE STATE PARKS AND RECREATION COMMISSION

Covenant Beach: State share of acquisition and relocation costs

	Reappropriation	Appropriation
St Bldg Constr Acct	1,100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,100,000

NEW SECTION. Sec. 708. FOR THE STATE PARKS AND RECREATION COMMISSION

Lewis and Clark: Purchase of buildings from the United States forest service

	Reappropriation	Appropriation
General Fund, State	75,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		75,000

NEW SECTION. Sec. 709. FOR THE STATE PARKS AND RECREATION COMMISSION

Riverside: Connection to municipal sewer (77-R-002)

	Reappropriation	Appropriation
LIRA, Waste Fac 1980	80,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
18,000		98,000

NEW SECTION. Sec. 710. FOR THE STATE PARKS AND RECREATION COMMISSION

Penrose Point: Acquisition of key holdings (83-R-027)

	Reappropriation	Appropriation
ORA, State	13,000	
ORA, Federal	13,000	
Project	Estimated	Estimated



Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
324,000		350,000

**NEW SECTION. Sec. 711. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Emergencies (86-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	50,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
400,000		450,000

**NEW SECTION. Sec. 712. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide water supply facilities (86-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct	298,000	
ORA, State	3,000	
ORA, Federal	3,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
330,000		634,000

**NEW SECTION. Sec. 713. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide sewage treatment facilities (86-1-003)

	Reappropriation	Appropriation
LIRA, Waste Fac 1980	537,000	
St Bldg Constr Acct	178,000	
ORA, State	28,000	
ORA, Federal	27,000	
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

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6/30/87	Thereafter	
220,000		990,000

**NEW SECTION. Sec. 714. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Boating improvements (86-3-005)

	Reappropriation	Appropriation
ORA, State	66,000	
ORA, Federal	43,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
1,000		110,000

**NEW SECTION. Sec. 715. FOR THE STATE PARKS AND RECREATION COMMISSION**

West Hylebos acquisition and development (86-4-013)

	Reappropriation	Appropriation
St Bldg Constr Acct	200,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
96,000		296,000

**NEW SECTION. Sec. 716. FOR THE STATE PARKS AND RECREATION COMMISSION**

Puget Sound and San Juan Islands: Acquire and develop boating access and destination (86-4-014)

	Reappropriation	Appropriation
St Bldg Constr Acct	50,000	
ORA, State	50,000	35,000
ORA, Federal	50,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	900,000	1,085,000

NEW SECTION. Sec. 717. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide: Park renovation Referendum 28 (86-1-018)

	Reappropriation	Appropriation
LIRA, Public Rec Fac	50,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
206,000		256,000

NEW SECTION. Sec. 718. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide: Boating repairs (86-1-020)

	Reappropriation	Appropriation
St Bldg Constr Acct	43,000	
ORA, State	138,000	
ORA, Federal	18,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
83,000		282,000

NEW SECTION. Sec. 719. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide: Boating renovation (86-1-021)

	Reappropriation	Appropriation
St Bldg Constr Acct	35,000	
ORA, State	115,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
209,000		359,000

NEW SECTION. Sec. 720. FOR THE STATE PARKS AND RECREATION COMMISSION

Beacon Rock: Replace floats and piling, renovate shear boom (86-1-022)

	Reappropriation	Appropriation
ORA, State	135,000	
ORA, Federal	15,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
6,000		156,000

**NEW SECTION. Sec. 721. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Energy conservation and landscape repairs (86-1-026)

	Reappropriation	Appropriation
St Bldg Constr Acct	340,000	
ORA, State	40,000	
ORA, Federal	40,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
201,000		621,000

**NEW SECTION. Sec. 722. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Energy conservation and landscape renovation (86-1-027)

	Reappropriation	Appropriation
St Bldg Constr Acct	540,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
55,000		595,000

**NEW SECTION. Sec. 723. FOR THE STATE PARKS AND RECREATION COMMISSION**

Iron Horse: Trail safety and bridge repair acquisition (86-1-030)

	Reappropriation	Appropriation
St Bldg Constr Acct	120,000	100,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
29,000	38,000	287,000

**NEW SECTION. Sec. 724. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden: Point Wilson bank protection (86-1-032)

	Reappropriation	Appropriation
St Bldg Constr Acct		119,000
ORA, State	104,000	
ORA, Federal	113,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
10,000		346,000

**NEW SECTION. Sec. 725. FOR THE STATE PARKS AND RECREATION COMMISSION**

Mt. Spokane: Entrance road development (86-3-034)

	Reappropriation	Appropriation
Motor Vehicle Fund	200,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
700,000		900,000

**NEW SECTION. Sec. 726. FOR THE STATE PARKS AND RECREATION COMMISSION**

Lewis and Clark: Park improvements (86-4-099)

	Reappropriation	Appropriation
St Bldg Constr Acct	8,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
22,000		30,000

**NEW SECTION. Sec. 727. FOR THE STATE PARKS AND RECREATION COMMISSION****Green River Gorge: Staged acquisition (87-3-010)**

	Reappropriation	Appropriation
St Bldg Constr Acct	115,000	551,000
ORA, State	39,000	
ORA, Federal	100,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
246,000	2,000,000	3,051,000

**NEW SECTION. Sec. 728. FOR THE STATE PARKS AND RECREATION COMMISSION****Auburn: Game farm (87-3-012)**

	Reappropriation	Appropriation
St Bldg Constr Acct	70,000	500,000
ORA, State	18,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
28,000		616,000

**NEW SECTION. Sec. 729. FOR THE STATE PARKS AND RECREATION COMMISSION****Fort Worden: Phased weatherization of facilities (87-2-016)**

	Reappropriation	Appropriation
St Bldg Constr Acct	450,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
61,000	300,000	811,000

**NEW SECTION. Sec. 730. FOR THE STATE PARKS AND RECREATION COMMISSION**

Illahee: Replace breakwater, ramps, floats, and piling (87-1-024)

	Reappropriation	Appropriation
ORA, State	240,000	
ORA, Federal	31,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		307,000

NEW SECTION. Sec. 731. FOR THE STATE PARKS AND RECREATION COMMISSION

Sacajawea: Boat launch reconstruction (87-1-025)

	Reappropriation	Appropriation
ORA, State	91,000	
ORA, Federal	10,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		101,000

NEW SECTION. Sec. 732. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sylvia: Renovate dam and seepage control (87-1-028)

	Reappropriation	Appropriation
St Bldg Constr Acct	110,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		132,000

NEW SECTION. Sec. 733. FOR THE STATE PARKS AND RECREATION COMMISSION

Flaming Geyser and Kummer: Redevelop and develop public access (87-1-029)

	Reappropriation	Appropriation
ORA, State	183,000	

ORA, Federal	183,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		366,000

**NEW SECTION. Sec. 734. FOR THE STATE PARKS AND RECREATION COMMISSION**

Kopachuck: Shoreline protection (87-1-031)

	Reappropriation	Appropriation
ORA, State	51,000	
ORA, Federal	53,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
1,000		105,000

**NEW SECTION. Sec. 735. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Columbia: Building dry rot repair (87-2-045)

	Reappropriation	Appropriation
St Bldg Constr Acct	155,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
9,000		164,000

**NEW SECTION. Sec. 736. FOR THE STATE PARKS AND RECREATION COMMISSION**

Moran: Mountain Lake CCC building renovation (87-1-049)

	Reappropriation	Appropriation
St Bldg Constr Acct	163,000	
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs



6/30/87

Thereafter

163,000

**NEW SECTION. Sec. 737. FOR THE STATE PARKS AND RECREATION COMMISSION**

Deception Pass: Renovate CCC Buildings 2 and 3, Rosario (87-1-050)

	Reappropriation	Appropriation
St Bldg Constr Acct	210,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
8,000		218,000

**NEW SECTION. Sec. 738. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Potable water supply, omnibus facility contingency (88-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		87,000
LIRA, Water Sup Fac		58,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		145,000

**NEW SECTION. Sec. 739. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Potable water supply, omnibus minor projects (88-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		416,000
LIRA, Water Sup Fac		277,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		693,000

**NEW SECTION. Sec. 740. FOR THE STATE PARKS AND RECREATION COMMISSION**

## Sequim Bay: Reservoir cover (88-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		79,000
LIRA, Water Sup Fac		53,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		132,000

NEW SECTION. Sec. 741. FOR THE STATE PARKS AND RECREATION COMMISSION

## Sequim Bay: Renovate park water system (88-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		114,000
LIRA, Water Sup Fac		76,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		190,000

NEW SECTION. Sec. 742. FOR THE STATE PARKS AND RECREATION COMMISSION

## Moran: Renovate potable water system (88-1-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		170,000
LIRA, Water Sup Fac		113,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		283,000

NEW SECTION. Sec. 743. FOR THE STATE PARKS AND RECREATION COMMISSION

## State-wide: Sewer facilities, omnibus facility contingency (88-1-007)

	Reappropriation	Appropriation
LIRA, Waste Fac 1980		223,000

St Bldg Constr Acct		75,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		298,000

**NEW SECTION. Sec. 744. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Sewer facilities, omnibus minor projects (88-1-008)

	Reappropriation	Appropriation
LIRA, Waste Fac 1980		252,000
St Bldg Constr Acct		84,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		336,000

**NEW SECTION. Sec. 745. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Boat pumpout facilities (experimental program) (88-1-009)

	Reappropriation	Appropriation
LIRA, Waste Fac 1980		89,000
St Bldg Constr Acct		460,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		549,000

**NEW SECTION. Sec. 746. FOR THE STATE PARKS AND RECREATION COMMISSION**

Ocean City State Park: Connect to municipal sewer system (88-1-010)

	Reappropriation	Appropriation
LIRA, Waste Fac 1980		286,000
St Bldg Constr Acct		96,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
		382,000

**NEW SECTION. Sec. 747. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Boating facilities, omnibus facilities contingency (88-2-011)

	Reappropriation	Appropriation
ORA, State		221,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		221,000

**NEW SECTION. Sec. 748. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Boating facilities, omnibus minor projects (88-2-012)

	Reappropriation	Appropriation
ORA, State		969,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		969,000

**NEW SECTION. Sec. 749. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Boat traffic control markers and devices (88-1-013)

	Reappropriation	Appropriation
ORA, State		110,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		110,000

**NEW SECTION. Sec. 750. FOR THE STATE PARKS AND RECREATION COMMISSION**

Chief Timothy: Boat launch expansion (88-5-014)

	Reappropriation	Appropriation
ORA, State		230,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		230,000

NEW SECTION. Sec. 751. FOR THE STATE PARKS AND RECREATION COMMISSION

Fudge Point: Acquisition (88-5-015)

	Reappropriation	Appropriation
ORA, State		506,000
ORA, Federal		398,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		904,000

NEW SECTION. Sec. 752. FOR THE STATE PARKS AND RECREATION COMMISSION

Moses Lake: Boat launch with parking and comfort station (88-5-016)

	Reappropriation	Appropriation
ORA, State		192,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		192,000

NEW SECTION. Sec. 753. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide: River access site acquisition and development (88-5-017)

	Reappropriation	Appropriation
ORA, State		211,000
Project	Estimated	Estimated
Costs	Costs	Total

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Through 6/30/87	7/1/89 and Thereafter	Costs
	470,000	681,000

**NEW SECTION. Sec. 754. FOR THE STATE PARKS AND RECREATION COMMISSION**

Centennial facility: Olmstead place (88-2-020)

	Reappropriation	Appropriation
LIRA, Pub Rec Fac		40,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs  40,000

**NEW SECTION. Sec. 755. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Columbia: Renovate historic buildings and Chinook displays (88-2-021)

	Reappropriation	Appropriation
LIRA, Public Rec Fac		98,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs  98,000

**NEW SECTION. Sec. 756. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden: Balloon hanger, replace roof, renovate interior (88-3-023)

	Reappropriation	Appropriation
St Bldg Constr Acct		247,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs  247,000

**NEW SECTION. Sec. 757. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Park facility renovation, omnibus facility contingency (88-2-025)

	Reappropriation	Appropriation
St Bldg Constr Acct		633,000
LIRA, Pub Rec Fac		92,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		725,000

NEW SECTION. Sec. 758. FOR THE STATE PARKS AND RECREATION COMMISSION

St. Edward: Main electrical code compliance (88-1-027)

	Reappropriation	Appropriation
St Bldg Constr Acct		124,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		124,000

NEW SECTION. Sec. 759. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden: Electrical service renovation to 7,200 volts (88-1-030)

	Reappropriation	Appropriation
St Bldg Constr Acct		325,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		325,000

NEW SECTION. Sec. 760. FOR THE STATE PARKS AND RECREATION COMMISSION

Doetsch ranch acquisition/initial development (88-5-032)

	Reappropriation	Appropriation
St Bldg Constr Acct		418,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
		418,000

**NEW SECTION. Sec. 761. FOR THE STATE PARKS AND RECREATION COMMISSION**

Maryhill State Park development (88-5-035)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,076,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		1,076,000

**NEW SECTION. Sec. 762. FOR THE STATE PARKS AND RECREATION COMMISSION**

Ocean beaches: Phased acquisition on Pacific ocean beaches (88-5-036)

	Reappropriation	Appropriation
St Bldg Constr Acct		550,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	1,300,000	1,850,000

**NEW SECTION. Sec. 763. FOR THE STATE PARKS AND RECREATION COMMISSION**

Camano Island: Point Lowell road stability and renovation (88-3-043)

	Reappropriation	Appropriation
St Bldg Constr Acct		202,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		202,000

**NEW SECTION. Sec. 764. FOR THE STATE PARKS AND RECREATION COMMISSION**



Crystal Falls: Acquisition and development (88-5-057)

	Reappropriation	Appropriation
St Bldg Constr Acct		160,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		160,000

NEW SECTION. Sec. 765. FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane: Winter recreation facilities, shelter with comfort station (88-2-041)

The appropriation in this section is subject to the following conditions and limitations: Volunteers may be used on this project as appropriate.

	Reappropriation	Appropriation
St Bldg Constr Acct		83,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		83,000

NEW SECTION. Sec. 766. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Grants to public agencies' recreation projects

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
ORA, State	8,380,000	6,460,000
ORA, Federal	1,230,000	661,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		17,231,000

NEW SECTION. Sec. 767. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

## Community economic revitalization board (86-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	6,500,000	10,790,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		45,790,000
		28,500,000

**NEW SECTION. Sec. 768. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

Washington state ag-trade, under the ownership and operation of the city of Spokane (86-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) Expenditures made under this appropriation shall equal seventy-five percent of the total project design and construction costs and shall not exceed \$4.5 million. The twenty-five percent local match shall be cash to cover expenditures for actual design and construction costs. In-kind contributions shall not be considered in determining the twenty-five percent local match.

(2) If the department determines that additional money is needed for the completion of the center, the money provided in this section is contingent on the additional money being made available from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct	4,500,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,500,000

**NEW SECTION. Sec. 769. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

Washington technology center: Funds for this project shall be transferred to, and administered by, the University of Washington (88-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		14,902,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/87	7/1/89 and Thereafter	Costs
1,619,000		16,521,000

**NEW SECTION. Sec. 770. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

Washington state agricultural trade complex at Yakima (88-3-004)

The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal seventy-five percent of the total project design and construction costs and shall not exceed \$6.5 million. The twenty-five percent local match shall be cash to cover expenditures for actual design and construction costs. In-kind contributions shall not be considered in determining the twenty-five percent local match.

	Reappropriation	Appropriation
St Bldg Constr Acct		6,500,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	12,000,000	25,000,000

**NEW SECTION. Sec. 771. FOR THE DEPARTMENT OF FISHERIES**

Replacements and alterations (77-2-004)

	Reappropriation	Appropriation
Fish Cap Proj Acct	82,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	3,917,000	3,999,000

**NEW SECTION. Sec. 772. FOR THE DEPARTMENT OF FISHERIES**

Salmon habitat enhancement program (ESHB 1230) (77-R-005)

	Reappropriation	Appropriation
Sal Enhmt Constr Acct	141,000	1,263,000
St Bldg Constr Acct		191,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
6,859,000	2,880,000	11,334,000

NEW SECTION. Sec. 773. FOR THE DEPARTMENT OF FISHERIES

Puget Sound: Artificial reefs (79-R-008)

	Reappropriation	Appropriation
ORA, State	40,000	
ORA, Federal	20,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
120,000		180,000

NEW SECTION. Sec. 774. FOR THE DEPARTMENT OF FISHERIES

Hood Canal Bridge: Public fishing access (79-R-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		52,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
443,000		495,000

NEW SECTION. Sec. 775. FOR THE DEPARTMENT OF FISHERIES

Sunset Falls: Fishway (81-R-007)

	Reappropriation	Appropriation
Fish Cap Proj Acct	10,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
124,000		134,000

NEW SECTION. Sec. 776. FOR THE DEPARTMENT OF FISHERIES

Oakland Bay tideland access: Design and construction (81-R-014)

	Reappropriation	Appropriation
St Bldg Constr Acct		11,000
ORA, State	79,000	
ORA, Federal	79,000	11,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
173,000		353,000

NEW SECTION. Sec. 777. FOR THE DEPARTMENT OF FISHERIES

Health, safety, and code compliance: Salmon culture (86-1-020)

	Reappropriation	Appropriation
St Bldg Constr Acct		209,000
Fish Cap Proj Acct	30,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
270,000	500,000	1,009,000

NEW SECTION. Sec. 778. FOR THE DEPARTMENT OF FISHERIES

Bird predation protection: Design and construction (86-3-021)

	Reappropriation	Appropriation
Fish Cap Proj Acct	100,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
167,000		267,000

NEW SECTION. Sec. 779. FOR THE DEPARTMENT OF FISHERIES

Minor capital projects: Salmon (86-3-022)

	Reappropriation	Appropriation
St Bldg Constr Acct	466,000	

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
397,000		863,000

NEW SECTION. Sec. 780. FOR THE DEPARTMENT OF FISHERIES

Minor capital projects: Shellfish, design and construction (86-3-023)

	Reappropriation	Appropriation
St Bldg Constr Acct	78,000	112,000
Fish Cap Proj Acct	82,000	

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
109,000	1,050,000	1,431,000

NEW SECTION. Sec. 781. FOR THE DEPARTMENT OF FISHERIES

Paving and maintenance: Asphalt ponds, design and construction (86-3-024)

	Reappropriation	Appropriation
St Bldg Constr Acct		244,000
Fish Cap Proj Acct	150,000	

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
406,000	429,000	1,229,000

NEW SECTION. Sec. 782. FOR THE DEPARTMENT OF FISHERIES

Bremerton public fishing pier: Design and construction (86-3-027)

	Reappropriation	Appropriation
St Bldg Constr Acct	125,000	
ORA, State	285,000	
ORA, Federal	410,000	

Project Costs	Estimated Costs	Estimated Total

Through 6/30/87	7/1/89 and Thereafter	Costs  820,000
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NEW SECTION. Sec. 783. FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access: Renovation (86-2-028)

	Reappropriation	Appropriation
ORA, State	192,000	
ORA, Federal	20,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs  212,000

NEW SECTION. Sec. 784. FOR THE DEPARTMENT OF FISHERIES

Issaquah hatchery interpretive center (86-2-029)

	Reappropriation	Appropriation
St Bldg Constr Acct		42,000
ORA, State	20,000	
ORA, Federal	20,000	42,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs  154,000
30,000		

PART 8

NATURAL RESOURCES—CONTINUED

NEW SECTION. Sec. 801. FOR THE DEPARTMENT OF FISHERIES

Willapa hatchery: New main pipeline, design and construction (86-3-030)

	Reappropriation	Appropriation
St Bldg Constr Acct	411,000	
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
15,000		426,000

NEW SECTION. Sec. 802. FOR THE DEPARTMENT OF FISHERIES

Energy conservation (86-4-031)

	Reappropriation	Appropriation
Fish Cap Proj Acct	59,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
103,000		162,000

NEW SECTION. Sec. 803. FOR THE DEPARTMENT OF FISHERIES

Freezer remodel: Samish and Hood Canal (86-3-032)

	Reappropriation	Appropriation
Fish Cap Proj Acct	10,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
93,000		103,000

NEW SECTION. Sec. 804. FOR THE DEPARTMENT OF FISHERIES

Patrol-seized gear storage: Design and construction (86-3-033)

	Reappropriation	Appropriation
St Bldg Constr Acct		98,000
Fish Cap Proj Acct	30,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
68,000		196,000

NEW SECTION. Sec. 805. FOR THE DEPARTMENT OF FISHERIES



Hood Canal: Boat access acquisition (86-3-035)

	Reappropriation	Appropriation
ORA, State	270,000	
ORA, Federal	30,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		300,000

NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF FISHERIES

Hood Canal: Smelt beach acquisition (86-3-036)

	Reappropriation	Appropriation
ORA, State	150,000	
ORA, Federal	150,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	100,000	400,000

NEW SECTION. Sec. 807. FOR THE DEPARTMENT OF FISHERIES

Point Whitney: Tideland access acquisition (86-3-037)

	Reappropriation	Appropriation
ORA, State	127,000	
ORA, Federal	128,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	150,000	405,000

NEW SECTION. Sec. 808. FOR THE DEPARTMENT OF FISHERIES

Knappton public access: Design and construction (86-3-038)

	Reappropriation	Appropriation
ORA, State	51,000	4,000

ORA, Federal	51,000	3,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		109,000

NEW SECTION. Sec. 809. FOR THE DEPARTMENT OF FISHERIES

Clam beach: Enhancement (88-5-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,213,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,200,000	2,413,000

NEW SECTION. Sec. 810. FOR THE DEPARTMENT OF FISHERIES

McAllister: Improvements (88-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		259,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		259,000

NEW SECTION. Sec. 811. FOR THE DEPARTMENT OF FISHERIES

Minor capital projects: Salmon, north (88-2-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		440,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	995,000	1,435,000

NEW SECTION. Sec. 812. FOR THE DEPARTMENT OF FISHERIES

Minor capital projects: Salmon, south (88-2-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		398,000
General Fund, Federal		853,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		1,251,000

NEW SECTION. Sec. 813. FOR THE DEPARTMENT OF FISHERIES

Minor capital projects: Salmon, coast (88-2-007)

	Reappropriation	Appropriation
St Bldg Constr Acct		136,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	305,000	441,000

NEW SECTION. Sec. 814. FOR THE DEPARTMENT OF FISHERIES

Salmon culture: Repair and replacement (88-2-008)

	Reappropriation	Appropriation
St Bldg Constr Acct		239,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	3,500,000	3,739,000

NEW SECTION. Sec. 815. FOR THE DEPARTMENT OF FISHERIES

Concrete ponds: Repair and replacement (88-2-009)

	Reappropriation	Appropriation
St Bldg Constr Acct		839,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	1,050,000	1,889,000

NEW SECTION. Sec. 816. FOR THE DEPARTMENT OF FISHERIES

Fish protection facilities (88-5-012)

	Reappropriation	Appropriation
St Bldg Constr Acct		204,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	400,000	604,000

NEW SECTION. Sec. 817. FOR THE DEPARTMENT OF FISHERIES

Columbia river: Fishing access facility (88-5-014)

	Reappropriation	Appropriation
St Bldg Constr Acct		204,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		204,000

NEW SECTION. Sec. 818. FOR THE DEPARTMENT OF FISHERIES

Salmon enhancement: Coast and Puget Sound (88-5-016)

	Reappropriation	Appropriation
Sal Enhmt Constr Acct		4,020,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	3,750,000	7,770,000

NEW SECTION. Sec. 819. FOR THE DEPARTMENT OF FISHERIES

Acquisition/development/renovation of public recreation sites (88-5-018)

	Reappropriation	Appropriation
St Bldg Constr Acct		873,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,723,000	2,596,000

NEW SECTION. Sec. 820. FOR THE DEPARTMENT OF FISHERIES

Small repair and improvements (88-2-019)

	Reappropriation	Appropriation
General Fund, Federal		159,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		159,000

NEW SECTION. Sec. 821. FOR THE DEPARTMENT OF GAME

Mercer Island: Rebuild dock and provide minor improvements (81-R-037)

	Reappropriation	Appropriation
ORA, State	55,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,000	56,000

NEW SECTION. Sec. 822. FOR THE DEPARTMENT OF GAME

Snake river compensation (83-R-009)

	Reappropriation	Appropriation
Game Fund, Federal	10,348,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87	Thereafter	
827,000		11,175,000

NEW SECTION. Sec. 823. FOR THE DEPARTMENT OF GAME  
I-82 development (83-R-013)

	Reappropriation	Appropriation
ORA, State	63,000	
ORA, Federal	63,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
246,000		372,000

NEW SECTION. Sec. 824. FOR THE DEPARTMENT OF GAME  
Redevelop access areas: Amber lake (83-R-026)

	Reappropriation	Appropriation
ORA, State	18,500	
ORA, Federal	18,500	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
47,000		84,000

NEW SECTION. Sec. 825. FOR THE DEPARTMENT OF GAME  
Diamond Lake (83-R-031)

	Reappropriation	Appropriation
ORA, State	7,300	
ORA, Federal	7,300	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
39,400		54,000

NEW SECTION. Sec. 826. FOR THE DEPARTMENT OF GAME  
Lake Goodwin redevelopment (86-2-021)

	Reappropriation	Appropriation
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ORA, State	80,900
ORA, Federal	8,900

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
200,000		90,000

**NEW SECTION. Sec. 827. FOR THE DEPARTMENT OF GAME**

Oak Creek headquarters (86-2-023)

	Reappropriation	Appropriation
ORA, State	35,100	
ORA, Federal	5,400	

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		138,000

**NEW SECTION. Sec. 828. FOR THE DEPARTMENT OF GAME**

Newman lake access area (86-2-024)

	Reappropriation	Appropriation
ORA, State	98,000	
Game Fund, Federal	10,000	

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,000		110,000

**NEW SECTION. Sec. 829. FOR THE DEPARTMENT OF GAME**

Hedt property: Acquisition (86-4-014)

The appropriation in this section is subject to the following conditions and limitations: No moneys reappropriated for this project may be expended without first selling owned land of equal or greater value.

	Reappropriation	Appropriation
Game Fund, State	383,000	

Project Costs	Estimated Costs	Estimated Total
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Through 6/30/87	7/1/89 and Thereafter	Costs  383,000
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NEW SECTION. Sec. 830. FOR THE DEPARTMENT OF GAME

Skagit habitat management area inholding acquisition (83-R-020)

The appropriation in this section is subject to the following conditions and limitations: No moneys reappropriated for this project may be expended without first selling owned land of equal or greater value.

	Reappropriation	Appropriation
Game Fund, State	443,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs  444,000
1,000		

NEW SECTION. Sec. 831. FOR THE DEPARTMENT OF GAME

Chehalis Valley habitat management area acquisition (83-R-021)

The appropriation in this section is subject to the following conditions and limitations: No moneys reappropriated for this project may be expended without first selling owned land of equal or greater value.

	Reappropriation	Appropriation
Game Fund, State	509,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs  510,000
1,000		

NEW SECTION. Sec. 832. FOR THE DEPARTMENT OF GAME

Facility maintenance and repair (86-2-002)

	Reappropriation	Appropriation
Game Fund, State	150,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs  409,000
259,000		



NEW SECTION. Sec. 833. FOR THE DEPARTMENT OF GAME

West Valley: Acquisition (86-4-012)

The appropriation in this section is subject to the following conditions and limitations: No moneys reappropriated for this project may be expended without first selling owned land of equal or greater value.

	Reappropriation	Appropriation
Game Fund, State	30,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,000		31,000

NEW SECTION. Sec. 834. FOR THE DEPARTMENT OF GAME

Vancouver Lake: Access road improvement (86-2-022)

	Reappropriation	Appropriation
ORA, State	108,000	
ORA, Federal	56,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,000		166,000

NEW SECTION. Sec. 835. FOR THE DEPARTMENT OF GAME

Pipe Lake: Public fishing access (86-4-027)

	Reappropriation	Appropriation
ORA, State	84,000	
ORA, Federal	9,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,000		95,000

NEW SECTION. Sec. 836. FOR THE DEPARTMENT OF GAME

Mineral Lake: Site improvements (86-3-028)

	Reappropriation	Appropriation
ORA, State	114,000	

ORA, Federal	12,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,000		128,000

NEW SECTION. Sec. 837. FOR THE DEPARTMENT OF GAME  
Satsop river: Redevelopment (86-2-029)

	Reappropriation	Appropriation
ORA, State	75,000	
ORA, Federal	8,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,000		85,000

NEW SECTION. Sec. 838. FOR THE DEPARTMENT OF GAME  
West Medical Lake: Redevelopment (86-2-030)

	Reappropriation	Appropriation
ORA, State	80,000	
ORA, Federal	8,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,000		90,000

NEW SECTION. Sec. 839. FOR THE DEPARTMENT OF GAME  
Lake Retreat: Public fishing access (86-4-031)

	Reappropriation	Appropriation
ORA, State	85,000	
ORA, Federal	8,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,000		95,000

NEW SECTION. Sec. 840. FOR THE DEPARTMENT OF GAME

Whitestone irrigation district and Blue Lake inholding acquisition (87-4-011)

The appropriation in this section is subject to the following conditions and limitations: No moneys reappropriated for this project may be expended without first selling owned land of equal or greater value.

	Reappropriation	Appropriation
Game Fund, State	319,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,000		320,000

NEW SECTION. Sec. 841. FOR THE DEPARTMENT OF GAME

Hatchery renovation (87-4-022)

	Reappropriation	Appropriation
Game Fund, Federal	270,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
2,000		272,000

NEW SECTION. Sec. 842. FOR THE DEPARTMENT OF GAME

Ringold Springs: Warmwater culture ponds (87-4-023)

	Reappropriation	Appropriation
Game Fund, Federal	59,000	
Game Fund, Private/Local	21,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,000		81,000

NEW SECTION. Sec. 843. FOR THE DEPARTMENT OF GAME

Shady Lake: Improvements (87-2-032)

	Reappropriation	Appropriation
ORA, State	58,000	

ORA, Federal	5,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,000		65,000

NEW SECTION. Sec. 844. FOR THE DEPARTMENT OF GAME  
Methow river: Averill (87-2-033)

	Reappropriation	Appropriation
ORA, State	58,000	
ORA, Federal	6,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
2,000		66,000

NEW SECTION. Sec. 845. FOR THE DEPARTMENT OF GAME  
Barnaby slough (87-3-035)

	Reappropriation	Appropriation
General Fund, State	100,000	
Game Fund, Federal	100,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
220,000		420,000

NEW SECTION. Sec. 846. FOR THE DEPARTMENT OF GAME  
Emergency repairs and replacements (88-3-001)

	Reappropriation	Appropriation
Game Fund, State		153,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	400,000	553,000

NEW SECTION. Sec. 847. FOR THE DEPARTMENT OF GAME

Facility maintenance (88-2-002)

	Reappropriation	Appropriation
Game Fund, State		220,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,200,000	1,420,000

NEW SECTION. Sec. 848. FOR THE DEPARTMENT OF GAME

Engineering capital budget preplan and design (88-5-003)

	Reappropriation	Appropriation
Game Fund, State		16,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	60,000	76,000

NEW SECTION. Sec. 849. FOR THE DEPARTMENT OF GAME

Access area toilet replacement (88-4-004)

	Reappropriation	Appropriation
Game Fund, State		102,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	400,000	502,000

NEW SECTION. Sec. 850. FOR THE DEPARTMENT OF GAME

State-wide fencing (88-2-005)

	Reappropriation	Appropriation
Game Fund, State		102,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,200,000	1,302,000

NEW SECTION. Sec. 851. FOR THE DEPARTMENT OF GAME

Hatchery renovation and improvement (88-2-006)

	Reappropriation	Appropriation
Game Fund, Federal		2,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	4,500,000	6,500,000

NEW SECTION. Sec. 852. FOR THE DEPARTMENT OF GAME

Lower Rocky Ford corridor (88-5-007)

	Reappropriation	Appropriation
St Bldg Constr Acct		210,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		210,000

NEW SECTION. Sec. 853. FOR THE DEPARTMENT OF GAME

Migratory waterfowl habitat development (88-5-008)

	Reappropriation	Appropriation
Game Fund, State		362,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	700,000	1,062,000

NEW SECTION. Sec. 854. FOR THE DEPARTMENT OF GAME

State-wide boating access development (88-5-014)

	Reappropriation	Appropriation
Game Fund, Federal		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87

Thereafter

500,000

NEW SECTION. Sec. 855. FOR THE DEPARTMENT OF GAME

Wells hatchery improvements (88-2-015)

	Reappropriation	Appropriation
Game Fund, Local		65,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		65,000

NEW SECTION. Sec. 856. FOR THE DEPARTMENT OF GAME

Wells wildlife area irrigation (89-5-016)

	Reappropriation	Appropriation
Game Spec Wildlife Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		100,000

NEW SECTION. Sec. 857. FOR THE DEPARTMENT OF GAME

Migratory waterfowl habitat acquisition (89-5-009)

	Reappropriation	Appropriation
Game Fund, State		396,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	800,000	1,196,000

NEW SECTION. Sec. 858. FOR THE DEPARTMENT OF NATURAL RESOURCES

Acquire fragile and endangered lands for conservancy (84-3-R92)

	Reappropriation	Appropriation
ORA, State	100,000	
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
900,000		1,000,000

**NEW SECTION. Sec. 859. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Right of way acquisition (86-3-001)**

	Reappropriation	Appropriation
For Dev Acct		415,000
Res Mgmt Cost Acct		737,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
1,245,000	800,000	3,197,000

**NEW SECTION. Sec. 860. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Unforeseen emergency repairs: Irrigation (86-3-002)**

	Reappropriation	Appropriation
Res Mgmt Cost Acct		300,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
150,000	200,000	650,000

**NEW SECTION. Sec. 861. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Land bank (86-4-003)**

	Reappropriation	Appropriation
Res Mgmt Cost Acct		10,000,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
5,562,000	17,000,000	32,562,000

**NEW SECTION. Sec. 862. FOR THE DEPARTMENT OF NATURAL RESOURCES**



Recreation sites renovation (86-3-018)

	Reappropriation	Appropriation
ORV Acct	405,000	
ORA, State	318,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
672,000		1,395,000

NEW SECTION. Sec. 863. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic land enhancement (86-3-020)

	Reappropriation	Appropriation
Aquatic Land Acct	1,176,000	787,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
294,000	3,440,000	5,697,000

NEW SECTION. Sec. 864. FOR THE DEPARTMENT OF NATURAL RESOURCES

Larch oil collection and shop (88-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		75,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		75,000

NEW SECTION. Sec. 865. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide: Emergency repairs (88-1-002)

	Reappropriation	Appropriation
For Dev Acct		19,000
Res Mgmt Cost Acct		35,000
Project	Estimated	Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
	108,000	162,000

NEW SECTION. Sec. 866. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide: Fire detection, smoke ventilation (88-1-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		69,000
For Dev Acct		25,000
Res Mgmt Cost Acct		44,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		138,000

NEW SECTION. Sec. 867. FOR THE DEPARTMENT OF NATURAL RESOURCES

Clearwater, Husum, and Mission Creek gas and chemical storage building (88-1-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		350,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		350,000

NEW SECTION. Sec. 868. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide: Light replacement (88-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		102,000
For Dev Acct		37,000
Res Mgmt Cost Acct		65,000
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87

Thereafter

204,000

NEW SECTION. Sec. 869. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide: Handicap access (88-1-006)

	Reappropriation	Appropriation
St Bldg Const Acct		35,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		35,000

NEW SECTION. Sec. 870. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide: Insulation (88-4-007)

	Reappropriation	Appropriation
St Bldg Const Acct		18,000
For Dev Acct		13,000
Res Mgmt Cost Acct		23,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		54,000

NEW SECTION. Sec. 871. FOR THE DEPARTMENT OF NATURAL RESOURCES

Quinault: Water system (88-2-009)

	Reappropriation	Appropriation
St Bldg Const Acct		12,000
For Dev Acct		5,000
Res Mgmt Cost Acct		8,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		25,000

NEW SECTION. Sec. 872. FOR THE DEPARTMENT OF NATURAL RESOURCES

Nonemergency repairs (88-2-010)

	Reappropriation	Appropriation
St Bldg Const Acct		18,000
For Dev Acct		13,000
Res Mgmt Cost Acct		24,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	74,000	129,000

NEW SECTION. Sec. 873. FOR THE DEPARTMENT OF NATURAL RESOURCES

Wetlands: Water quality related wetland preservation

	Reappropriation	Appropriation
Aquatic Land Acct		500,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		500,000

NEW SECTION. Sec. 874. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial development (88-2-020)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		745,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		745,000

NEW SECTION. Sec. 875. FOR THE DEPARTMENT OF NATURAL RESOURCES

Area office space increase projects (88-2-030)

Reappropriation	Appropriation
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For Dev Acct	151,000
Res Mgmt Cost Acct	269,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	

420,000

**NEW SECTION. Sec. 876. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Timber-fish wildlife (88-2-021)

	Reappropriation	Appropriation
St Bldg Constr Acct		300,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	

300,000

**NEW SECTION. Sec. 877. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Recreation site renovation (89-3-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		574,000
ORA, State		574,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	

1,148,000

**NEW SECTION. Sec. 878. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Marine station dock (89-1-004)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		118,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87

Thereafter

118,000

**NEW SECTION. Sec. 879. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Seed orchard irrigation (89-2-006)

	Reappropriation	Appropriation
For Dev Acct		59,000
Res Mgmt Cost Acct		106,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		165,000

**NEW SECTION. Sec. 880. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Management roads (89-2-008)

	Reappropriation	Appropriation
For Dev Acct		154,000
Res Mgmt Cost Acct		274,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	1,700,000	2,433,000

**NEW SECTION. Sec. 881. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Communication site maintenance (89-2-009)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		150,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	50,000	227,000

**NEW SECTION. Sec. 882. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Real estate improved property maintenance (89-2-010)

	Reappropriation	Appropriation
For Dev Acct		90,000
Res Mgmt Cost Acct		160,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	200,000	450,000

NEW SECTION. Sec. 883. FOR THE DEPARTMENT OF NATURAL RESOURCES

Bridge and road replacement (89-2-011)

	Reappropriation	Appropriation
St Bldg Constr Acct		57,000
ORV Acct		54,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	2,600,000	3,976,000

NEW SECTION. Sec. 884. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve roads and bridges (77-R-016)

	Reappropriation	Appropriation
ORV Acct	5,400	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	267,900	273,300

NEW SECTION. Sec. 885. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve campsites (77-3-A16)

	Reappropriation	Appropriation
ORV Acct	12,000	
ORA, State	66,000	

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
167,200		245,200

NEW SECTION. Sec. 886. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve campsites (77-4-R16)

	Reappropriation	Appropriation
ORV Acct	74,000	
ORA, State	20,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
5,777,000		5,871,000

NEW SECTION. Sec. 887. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor works (86-3-011)

	Reappropriation	Appropriation
General Fund, State	16,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
10,000		26,000

NEW SECTION. Sec. 888. FOR THE DEPARTMENT OF NATURAL RESOURCES

Capital Forest recreation storage (86-4-014)

	Reappropriation	Appropriation
General Fund, State	5,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
12,000		17,000



**NEW SECTION. Sec. 889. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Commercial development and electronics (86-3-004)

	Reappropriation	Appropriation
Res Mgmt Cost Acct	100,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
27,000		127,000

**NEW SECTION. Sec. 890. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Acquisition of fifty-one miles of Milwaukee Railroad right of way in Jefferson and Clallam counties for recreation, transportation, and utility purposes

The appropriation in this section is subject to the following conditions and limitations: Portions of the right of way not needed for recreational purposes may be re-sold for economic development purposes.

	Reappropriation	Appropriation
State Bldg Constr Acct		800,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		800,000

**NEW SECTION. Sec. 891. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Irrigation development (89-2-007)

	Reappropriation	Appropriation
Res Mgmt Cost Acct		150,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	800,000	950,000

NEW SECTION. Sec. 892. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide repair storage

	Reappropriation	Appropriation
For Dev Acct		25,000
Res Mgmt Cost Acct		45,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		70,000

NEW SECTION. Sec. 893. FOR THE DEPARTMENT OF NATURAL RESOURCES

Northeast shop remodeling and addition

	Reappropriation	Appropriation
For Dev Acct		32,000
Res Mgmt Cost Acct		57,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		89,000

NEW SECTION. Sec. 894. FOR THE DEPARTMENT OF NATURAL RESOURCES

Security fence

	Reappropriation	Appropriation
For Dev Acct		15,000
Res Mgmt Cost Acct		27,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		42,000

NEW SECTION. Sec. 895. FOR THE DEPARTMENT OF NATURAL RESOURCES

Northeast headquarters paving

	Reappropriation	Appropriation
For Dev Acct		20,000
Res Mgmt Cost Acct		34,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		54,000

PART 9  
MISCELLANEOUS

NEW SECTION. Sec. 901. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor works request: Basement and roof repair (86-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		105,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		161,000

NEW SECTION. Sec. 902. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor works: Additions to air conditioning (86-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		206,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		331,000

NEW SECTION. Sec. 903. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Museum interior remodeling (88-3-004)

Reappropriation	Appropriation
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St Bldg Constr Acct		2,242,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
67,000		3,317,000

NEW SECTION. Sec. 904. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Cheney Cowles Memorial Museum: Remodel (86-1-001)

	Reappropriation	Appropriation
St Fac Renew Acct	590,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
43,000		633,000

NEW SECTION. Sec. 905. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Campbell House property: Restoration (86-1-002)

	Reappropriation	Appropriation
St Fac Renew Acct	293,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
65,000		358,000

NEW SECTION. Sec. 906. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

Energy retrofit projects (88-3-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		16,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	1,000	17,000

NEW SECTION. Sec. 907. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

Capital renewal projects, contingency repairs (88-3-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		19,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	45,000	64,000

NEW SECTION. Sec. 908. FOR THE EMPLOYMENT SECURITY DEPARTMENT

Port Angeles: Job service center (88-2-002)

	Reappropriation	Appropriation
Unemp Comp Admin Acct		616,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		616,000

NEW SECTION. Sec. 909. FOR THE DEPARTMENT OF TRANSPORTATION

Acquisition of dredge spoils site (83-1-R01)

	Reappropriation	Appropriation
St Bldg Constr Acct	2,700,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	2,320,000	5,020,000

NEW SECTION. Sec. 910. FOR THE DEPARTMENT OF TRANSPORTATION

East capitol campus public parking (86-3-001)

	Reappropriation	Appropriation
Cap Purch & Dev Acct	420,000	
Cap Bldg Constr Acct	400,000	

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
580,000		1,400,000

NEW SECTION. Sec. 911. FOR THE DEPARTMENT OF  
TRANSPORTATION

Exit 105: Traffic control improvement (86-3-002)

	Reappropriation	Appropriation
Motor Vehicle Acct	600,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		600,000

NEW SECTION. Sec. 912. FOR THE DEPARTMENT OF  
TRANSPORTATION

Retention dam: Green/Toutle river (87-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	6,100,000	3,500,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		16,500,000

NEW SECTION. Sec. 913. FOR THE ARTS COMMISSION—  
ART WORK ALLOWANCE

In accordance with RCW 28A.58.055, 28B.10.027, and 43.17.200, all state agencies or departments shall expend, as a nondeductible item, out of any moneys appropriated for the original construction of any state building, an amount of one-half of one percent of the appropriation for the acquisition of works of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited by the agency in other public facilities. If the amount is not required in toto or in part for any project, the unrequired amounts may be accumulated and expended for art in other projects of the agency. For the purpose of this section, "building" does not include highway construction sheds, warehouses, or other buildings of a temporary nature.

**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.

NEW SECTION. Sec. 915. To carry out effectively the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 916. Reappropriations shall be limited to the unexpended balances remaining June 30, 1987, in the current appropriation for each project.

NEW SECTION. Sec. 917. As part of the annual six year update to the State Facilities and Capital Plan, agencies shall provide lease development projects to the office of financial management.

NEW SECTION. Sec. 918. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 919. Notwithstanding any other provisions of law, for the 1987-89 biennium, state treasurer transfers of reimbursement to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 920. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 921. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of



higher education and only between capital projects which are funded from the same fund or account.

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.

A report of any transfer effected under this section shall be filed with the legislative auditor by the director of financial management within thirty days of the date the transfer is effected. The legislative auditor shall review and compile these filings and periodically report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

NEW SECTION. Sec. 922. To carry out effectively, efficiently, and economically the provisions of this act, each agency shall establish a start date and completion date on each project which has an estimated total cost which exceeds five hundred thousand dollars and for which a start or completion date is not specified in this act. This information shall be furnished to the office of financial management and the legislative auditor no later than the date the allotment request is filed with the office of financial management. If a project cannot start on or before the indicated start date or be completed by the indicated completion date, the director of the agency shall document and file with the office of financial management and the legislative budget committee the reason for the delay and indicate the new start and/or completion date(s). The legislative auditor shall review these filings and report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

As a result of these filings, agency directors may be required to appear before the legislative budget committee for further explanation of a project delay.

NEW SECTION. Sec. 923. (1) The legislature finds:

(a) Estimates of capital project costs are prepared in a manner to ensure sufficient funds are available for the completion of projects.

(b) Actual project costs are influenced by variations in cost factors, changing unit price levels, available inventories, inflation rates, gross construction volume at the time of project bid, and other factors that cannot be predicted at the time of estimating capital project costs.

(c) Due to funding limitations, necessary capital projects are deferred to ensuing biennia.

(d) The deferral of capital projects results in increased project costs due to the effects of inflation and increased deterioration of facilities.

(e) No statutory authority currently exists to allow project cost savings to be used to implement necessary capital projects that were deferred to ensuing biennia due to lack of funds.

(2) There is hereby authorized a capital projects cost control incentive program for the 1987-89 biennium.

(3) Appropriations not required by an agency to complete capital projects authorized in this act, may be expended to implement, in priority sequence, those capital renewal projects of the agency listed in the Governor's Six-Year Capital and Facility Plan for the 1989-91 Biennium, as that list exists in the Governor's final 1988 update of the six-year plan. Expenditures under this section are subject to the following conditions:

(a) No expenditure may be made without the prior allotment approval of the office of financial management.

(b) The office of financial management shall notify the senate and house ways and means committees prior to authorizing any project for implementation under this section.

(c) No project may be authorized under this section by the office of financial management unless sufficient funds are available to complete a project's design phase, construction phase, or both.

(d) Appropriations in this act for a capital project shall not be expended under this section unless:

(i) All contracts associated with the performance of the project have been completed and accepted by the state of Washington;

(ii) The statutory thirty-day lien period for each project has expired;

(iii) All claims of lien against project contracts have been satisfied;

(iv) There are no outstanding claims against the state of Washington by any contracted party to the project construction contract; and

(v) Any and all negotiated settlements or settlements arising from the findings of an arbitration board or court of jurisdiction have been satisfied.

**NEW SECTION.** Sec. 924. To assure that major construction projects are carried out in accordance with legislative and executive intent, capital projects for renovation or additional space contained in this act that exceed two million five hundred thousand dollars and have not completed a program document prior to September 1, 1986, shall not expend funds for planning and construction until the office of financial management has reviewed the agency's programmatic document and approved the continuation of the project. The program document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown.

**NEW SECTION.** Sec. 925. 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. 926. 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. 927. 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.

Passed the House May 18, 1987.

Passed the Senate May 18, 1987.

Approved by the Governor June 12, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 12, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 408(1) and 412, ReEngrossed Substitute House Bill No. 327, entitled:

"AN ACT Adopting the capital budget."

Section 408(1), Page 42, State Board of Education

This subsection eliminates the "super match" for school projects related to desegregation or vocational technical assistance. There are several jurisdictions around the state which have approved bond issues based on the premise that they would qualify for this funding. To change the rules now would mean these projects could not go forward. I do not believe this is appropriate.

However, I am concerned about the policy of providing "super match" for specific types of projects. During the interim, I intend to review this policy and determine whether legislation affecting future projects should be offered.

Section 412, Page 43, Superintendent of Public Instruction

This section provides funds for capital planning and interim transportation costs for Nine Mile Falls School District. From discussions with representatives of the district, it appears that the purpose is incorrectly stated. It is supposed to be used for costs related to the transition of the district from a non-high to a high school district. However, the citizens of the district have already provided sufficient levy money to cover all these costs, which include the cost of bonds for the new high school and payments to other school districts for taking Nine Mile Falls high school students while the new school is being constructed. There is no justification for appropriating these funds.

With the exception of sections 408(1) and 412, ReEngrossed Substitute House Bill No. 327 is approved."

## CHAPTER 7

[Engrossed Substitute House Bill No. 1221]  
OPERATING BUDGET

AN ACT Relating to the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989; providing effective dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**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.*

\*Sec. 2 was vetoed, see message at end of chapter.

***\*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.***

\*Sec. 3 was vetoed, see message at end of chapter.

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.*

\*Sec. 107 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 108. FOR THE LAW LIBRARY

General Fund Appropriation .....	\$	2,574,000
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NEW SECTION. Sec. 109. FOR THE COURT OF APPEALS

General Fund Appropriation .....	\$	12,013,000
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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 appropriation is provided solely for the Snohomish County prosecution diversion program.

(5) \$150,000 of the general fund 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
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**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 Appropria- tion . . . . .	\$	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.

\*Sec. 121 was partially vetoed, see message at end of chapter.

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
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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
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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
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**NEW SECTION. Sec. 133. FOR THE PRESIDENTIAL ELECTORS**

General Fund Appropriation .....	\$	1,000
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**NEW SECTION. Sec. 134. FOR THE INSURANCE COMMISSIONER**

Insurance Commissioner's Regulatory Account

Appropriation .....	\$	10,205,000
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**NEW SECTION. Sec. 135. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation .....	\$	1,229,000
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**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense

Fund Appropriation .....	\$	20,666,000
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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
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**NEW SECTION. Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION**

General Fund Appropriation .....	\$	36,000
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**NEW SECTION. Sec. 139. FOR THE BOARD OF ACCOUNTANCY**

General Fund Appropriation .....	\$	415,000
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Certified Public Accountant Examination Ac-

count Appropriation .....	\$	571,000
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Total Appropriation .....	\$	986,000
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**NEW SECTION. Sec. 140. FOR THE BOXING COMMISSION**

General Fund Appropriation .....	\$	105,000
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**NEW SECTION. Sec. 141. FOR THE CEMETERY BOARD**

Cemetery Account Appropriation .....	\$	143,000
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**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
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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.

\*Sec. 201 was partially vetoed, see message at end of chapter.

**\*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.***

\*Sec. 202 was partially vetoed, see message at end of chapter.

**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 the provisions of En-grossed 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. S-, 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 (c). 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 nonprofit agencies advocating for the mentally ill. Such funds are for providing technical assistance to state agencies, mental health education programs, outreach and family support, and self-help support groups.

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal . . . . .	\$	1,059,000
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\*Sec. 205 was partially vetoed, see message at end of chapter.



**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 by 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.**

(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.

\*Sec. 207 was partially vetoed, see message at end of chapter.

**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.

\*Sec. 209 was partially vetoed, see message at end of chapter.

**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 limitation::

(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.***

\*Sec. 213 was partially vetoed, see message at end of chapter.

**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 Approp- riation . . . . .	\$	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 nonstate 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
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**NEW SECTION. Sec. 221. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Public Safety and Education Account Approp- riation . . . . .	\$	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 Approp- riation . . . . .	\$	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 Approp- riation . . . . .	\$	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
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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.

<u>NEW SECTION.</u> 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
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**NEW SECTION. Sec. 230. FOR THE WASHINGTON BASIC HEALTH PLAN**

General Fund Appropriation . . . . .	\$	19,109,000
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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 hydropower 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, and (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.**

**\*Sec. 303 was partially vetoed, see message at end of chapter.**

**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 Appropria- tion . . . . .	\$	322,000
Snowmobile Account Appropriation . . . . .	\$	922,000
Public Safety and Education Account Appropria- tion . . . . .	\$	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 Appropria- tion—State . . . . .	\$	1,638,000
Outdoor Recreation Account Appropria- tion—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
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**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 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 Approp-  
riation . . . . . \$ 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 June 30, 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 Appropria- tion .....	\$	256,000
Aquatic Lands Enhancement Account Appropria- tion .....	\$	275,000
Public Safety and Education Account Appropria- tion .....	\$	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 Appropria- tion .....	\$	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 landowner 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 Appropria- tion—Federal .....	\$	3,086,000
Geothermal Account Appropriation—Feder- al .....	\$	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
<b>Total Appropriation . . . . .</b>	<b>\$</b>	<b>115,516,000</b>

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 June 30, 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 Appropria- tion .....	\$	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.

\*Sec. 313 was partially vetoed, see message at end of chapter.

**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.***

***\*Sec. 317 was vetoed, see message at end of chapter.***

**NEW SECTION. Sec. 318. FOR THE WINTER RECREATION COMMISSION**

General Fund Appropriation . . . . .	\$	27,000
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**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.***

\*Sec. 401 was partially vetoed, see message at end of chapter.

**\*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 inter-agency 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.**

(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.

\*Sec. 402 was partially vetoed, see message at end of chapter.

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
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.

\*Sec. 506 was partially vetoed, see message at end of chapter.

**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
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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
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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
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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.*

\*Sec. 515 was partially vetoed, see message at end of chapter.

**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.

\*Sec. 601 was partially vetoed, see message at end of chapter.

**NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

General Fund Appropriation . . . . .	\$	531,174,000
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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
Total Appropriation . . . . .	\$	522,499,000

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.*

\*Sec. 606 was partially vetoed, see message at end of chapter.

**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
Total Appropriation . . . . .	\$	55,855,000

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 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 Appropriation—		
Private/Local . . . . .	\$	12,556,000
Total Appropriation . . . . .	\$	26,869,000

NEW SECTION. Sec. 611. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation . . . . .	\$	85,000
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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
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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
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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
<b>NEW SECTION. Sec. 707. FOR THE GOVERNOR—STATE AND LOCAL CONTROLLED SUBSTANCES ENFORCEMENT ASSISTANCE</b>		
General Fund Appropriation—Federal . . . . .	\$	3,557,000
<b>NEW SECTION. Sec. 708. FOR THE GOVERNOR—LEGAL SERVICES AUGMENTATION</b>		
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
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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. Blanus, 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 Etkorn . . . . .	\$	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. 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 at- torneys' 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 Approp- riation for harbor improvement revenue distribution . . . . .	\$	60,000
Liquor Excise Tax Fund Appropriation for li- quor excise tax distribution . . . . .	\$	17,807,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties dis- tribution . . . . .	\$	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 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

**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.

Passed the House May 18, 1987.

Passed the Senate May 18, 1987.

Approved by the Governor June 12, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 12, 1987.

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Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 2, 3, 107(2), 121(2), 121(3), 201(1)(a), 201(1)(d), 201(3)(c), 202(4), 202(8), 205(2)(a), 207(3), 209(4), 213(3), 303(2), 313(6), 317, 401(3), 402(3), 506(4)(c), (6), (7), and (9), 515(2), 601(5), and 606(2), Engrossed Substitute House Bill No. 1221, entitled:

"AN ACT Relating to the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989."

My reasons for vetoing these sections are as follows:

Section 2, Page 2, Limits on New Services

This subsection prohibits new services not expressly authorized in this budget, unless the services were provided on March 1, 1987. In the 1987-89 biennium, I intend to continue to manage state services to keep their growth at a minimal level. I am concerned, however, that the absolute prohibition in this subsection may be too broad and may unnecessarily restrict state government's ability to respond to emergent needs.

This section also requires replacement of state funds when unanticipated federal funds are received. Although acceptable in concept, the language used is too restrictive and could result in the inability to use federal fund sources as available.

Section 3, Page 2, \$18 Million Savings

Section 3 requires \$18 million in General Fund-state savings through limitations on agency expenditures for personal services contracts, goods and services, travel, and equipment. Although I intend to reduce agency expenditures to achieve the expected savings, agency managers should be given the flexibility to make budget reductions in ways that are least disruptive to agency program objectives. The savings can be achieved through means other than the four items cited in this section. I would hope, too, that higher education institutions and elected officials, over whom I have no direct management control, will join with other executive agencies in finding savings.

Section 107(2), page 4, Public Defender Task Force.

This subsection designates \$110,000 in the Supreme Court's budget for creation of a task force to study the creation of a statewide program for delivery of indigent defense services. It also creates a task force director position. The responsibility for providing indigent defense currently rests with the state for appellate cases and with local governments for the trial court level. I do not favor consideration of shifting such substantial costs to the state for the total program without significant involvement and representation of state officials in the review.

Section 121(2), Page 10, Draft Reports.

This language requires agencies to submit required reports to the Legislature by the date specified, notwithstanding time for the Office of Financial Management to grant approval. This language is unnecessary. Sections of law requiring such reports have specific due dates and the Office of Financial Management has the necessary authority to require the reports due in advance so it can review them prior to the date set by the Legislature.

Section 121(3), Page 10, Furniture Management.

This subsection requires the Office of Financial Management to report to the Legislature on a system to control the purchases of furniture by state agencies. I vetoed this requirement from House Bill No. 25 and I am vetoing it again for the same reason.

The system envisioned would add an additional layer of bureaucracy to a single part of the state purchasing system and would be costly to administer. Any changes in furniture purchasing should be considered in the context of improvements to the overall purchasing system.

Section 201(1)(a), Page 17, Work Training Release and Substance Abuse Contracts.

This section would restrict the Department of Corrections from using its own more cost-effective resources when appropriate and require the Department to contract solely with non-profit corporations for the amount specified for work-training release for convicted felons. This restriction is not appropriate and is inconsistent with other efforts to restrict uses of personal service contracts.

Section 201(1)(d), Page 17, Sexual Offender Treatment Program

This subsection provides for the implementation of the Sex Offender Treatment Program within the provisions of Second Substitute House Bill No. 1251. This bill was not enacted by the Legislature. The Department of Corrections will, however, implement a sex offender treatment program consistent with current law and legislative intent.

Section 201(3)(c), Page 18, Drug and Alcohol Treatment Programs

Under this language the Department of Corrections is required to expend its drug and alcohol treatment funds solely through contract service providers. Since the Department currently utilizes both state employees and contract service providers for its drug and alcohol treatment programs, this proviso would have the effect of mandating the supplanting of state employees with contract providers. This proviso limits the ability of the Department to pursue the most efficient provision of drug and alcohol treatment to offenders in institutions and work release facilities. The Department of Corrections will continue to provide drug and alcohol treatment through the use of both state employees and contracted services.

Section 202(4), Page 19, Legislative Review of Eligibility Criterion, Department of Social and Health Services.

This subsection prohibits the Department of Social and Health Services from revising eligibility criteria in a manner that would increase the number of eligible persons or increase General Fund-State expenditures. The subsection also stipulates that required revisions to eligibility criteria be reviewed by the appropriate committees of the Legislature prior to implementation. While it is not my intention to voluntarily change criteria in a manner which would increase the number of eligible persons, I believe that this provision eliminates the agency's ability to react expeditiously to changes by the courts and the federal government as well as to maximize efficiency. Should such mandatory changes become necessary, the Department of Social and Health Services will promptly inform the appropriate legislative committees.

Section 202(8), Page 20, Monthly Unit Cost Performance Data.

This subsection provides for monthly reporting of cost performance data from all the Department of Social and Health Services budget units and is overly restrictive. This requirement would result in excessive amounts of data being transmitted from the Department of Social and Health Services to the LEAP Committee. The Executive has responded and will continue to respond to legislative inquiries at the specific level of detail requested as well as provide regular reports on key budget drivers.

Section 205(2)(a), Page 27, Program for Adaptive Living Transition Plan.

This subsection requires the Department of Social and Health Services to develop a plan to move clients served by the Program for Adaptive Living into community residential facilities, and prohibits any other community residential programs from being established on the grounds of state mental institutions.

I share legislative concern for creating community alternatives for the mentally ill and will direct the Department to develop a transition plan for submittal to the Office of Financial Management by January 1, 1988. This plan will address the transition of clients served by the Program for Adaptive Living into community residential facilities. No new community residential programs will be established on the grounds of state mental health institutions without consultation with the appropriate legislative committees and Office of Financial Management approval.

Section 207(3), Page 30, Contracted Chore Services

Section 207(3) deals with the low wage earner increase. The appropriation provided in the long term care budget does not adequately support the requirement as written. The result of this appropriation would be an unintended increase to some providers which could only be funded by reductions to the chore services caseload. Although I am vetoing this section, I am directing the Department of Social and Health Services to implement the low wage earner increase to provide rates of \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988, for full-time employees providing chore services on an hourly basis and to allow an equivalent percentage increase for services provided by individuals to clients for the attendant care program. By taking this action, we will be able to maintain chore service caseloads at the highest level possible while guaranteeing substantial wage increases for low paid direct service workers.

Section 209(4), Page 33, Shelter Services Under Substitute House Bill No. 646.

This section requires the Department of Social and Health Services to provide services to any individual who requests shelter, and who is determined to be eligible by criteria established in Substitute House Bill 646, the "Alcoholism and Drug Addiction Treatment and Shelter Act." Fiscal responsibility is clearly defined in Substitute House Bill 646: "the Department shall provide alcohol and drug treatment services within available funds." The demand for shelter related to treatment services may very well exceed the level assumed in the budget language and is inconsistent with the intent of Substitute House Bill 646, which is to provide shelter and treatment services only within available funds.

Section 213(3), Page 37, Transferring \$500,000 to the Department of Revenue.

This appropriation transfer is no longer applicable because of my veto of House Bill 1239, the bill which authorized the transfer of caseload forecasting functions to the Economic and Revenue Forecast Council.

Section 303(2), Page 50, Wetlands Restoration Project Planning.

This subsection reduces flexibility in the Department of Ecology's budget by requiring it to expend \$75,000 of the General Fund-State appropriation solely for wetlands restoration planning. Funding for this activity was not added to the Department's budget and must be absorbed in existing programs. This veto will allow the Department to carry out this planning activity more effectively within existing resources.

Section 313(6), Page 57, Hazardous Waste Disposal Program.

This subsection appropriates \$50,000 to the Department of Agriculture to implement a hazardous waste disposal program for pesticides. Earlier, I vetoed Senate Bill No. 6010, which directed the Department to develop the administrative structure necessary to implement a disposal program for pesticides because that activity would have caused the state to assume long-term liability. In recognition of the growing problem of pesticide disposal, I am directing the Department of Agriculture to use these funds to develop a proposal for disposal of these wastes.

Section 317, Page 60, State Convention and Trade Center, Duplication

This section is a duplication of section 12 of Engrossed Substitute Senate Bill No. 5901, which also contains the same appropriation but also creates a new account established for the Convention Center's operating expenses.

Section 401(3), Page 61, State Patrol.

This section establishes a major crimes investigation unit within the Washington State Patrol. The initiation of this unit, which expands the State Patrol's activities to include direct criminal investigation assistance to local law enforcement entities, is a major policy decision which should receive careful and thorough executive and legislative scrutiny. It should be noted that the Legislature did consider, but failed to enact, legislation adopting this policy in the 1987 session.

One of the purposes of this appropriation is to allow the Washington State Patrol to work with the Green River Task Force. The Task Force has accumulated much valuable information which could be used by other law enforcement authorities both now and in the future. I believe that this is a worthwhile undertaking and am therefore directing the Chief of the Washington State Patrol to work with the Office of Financial Management to devise and fund a plan for drawing on the task force's knowledge and data.

Section 402(3), Page 62, Department of Licensing.

This subsection places portions of second-year appropriations for professional regulation into reserve pending reappropriation by the 1988 Legislature. It requires that a report describing the methods used to set fees be submitted to the Legislature by December 1, 1987. The withholding of appropriations is unduly restrictive, especially in view of new legislative requirements for professional licensing enacted this year. I have directed the Office of Financial Management to review the report and determine if the Department of Licensing has justified the methods used to set fees charged for professional regulation. The Department and the Office of Financial Management will work with the budget committees to resolve any outstanding issues.

Section 506(4)(c), (6), (7), and (9), Page 76, Local Education Program Enhancement Funds

Section 506 specifies both the funding level and use of monies appropriated for a new program, education block grants. I have consistently stated that I would not accept a budget with new programs that is not also financially responsible. This budget, combined with other legislation, provides a reserve of less than \$70 million. I am concerned that this is inadequate, given normal fluctuations in revenue and spending forecasts. One way to increase the reserve would be to veto this entire section. However, the needs of K-12 education are so great that I have decided to leave the program and the funds in the budget.

Grant funding to local school districts in addition to their basic education allocations includes adult/pupil ratio; dropout prevention and retrieval programs; drug and alcohol abuse programs; early childhood programs; in-service training programs; and programs to enhance reasoning and analytical skills. However, certain subsections are vetoed as follows:

Subsection 4(c) requires that a two-year plan be established by districts based on the needs identified by "the committee". There is no committee stipulated in section 506; it was only included in earlier drafts of the legislation. Therefore, this language is inappropriate. In addition, districts are charged in other subsections with

assessing and evaluating their needs as they relate to expending the enhancement funds.

Subsection 6 restricts districts unnecessarily as to their process for determining how to spend the enhancement funds. Also, other controlling statutes would dictate if and when employee group involvement is required.

Subsection 7 unnecessarily stipulates that the enhancement funds may not be used for a salary increase beyond that which is specified in the budget. New statutory salary restrictions are now in place in ReEngrossed Second Substitute House Bill No. 455, which was passed after this budget bill, and this language is no longer needed.

Subsection 9 refers to a section of the code which has been repealed by ReEngrossed Second Substitute House Bill No. 455 and therefore must be removed to avoid confusion.

Section 515(2), Page 86, Educational Clinics

This subsection requires that \$635,000 of the total appropriation for educational clinics be spent in counties presently unserved by clinics. These clinics work with dropouts to encourage them to return to school or to prepare them to take the GED examination. There are currently no applications pending with the Superintendent of Public Instruction to establish clinics in unserved counties. Furthermore, existing clinics have the capacity to serve more students than the balance of the appropriation would permit. I encourage the Superintendent to use the funds available as a result of my action for distribution to the existing clinics.

Section 601(5), page 91, Vocational Education Planning.

This subsection duplicates sections 601(4) and is therefore unnecessary.

Section 606(2) page 97, Central Washington University Business School Accreditation.

The Legislature provided significant increases for higher education, equalized funding per pupil among the regional universities, and adopted a policy of flexibility allowing institutional self-determination. Within that context, the restriction of additional funds for a single programmatic option is inconsistent and detrimental to the overall legislative objectives for higher education funding.

With the exception of sections 2, 3, 107(2), 121(2), 121(3), 201(1)(a), 201(1)(d), 201(3)(c), 202(4), 202(8), 205(2)(a), 207(3), 209(4), 213(3), 303(2), 313(6), 317, 401(3), 402(3), 506(4)(c), (6), (7) and (9), 515(2), 601(5), and 606(2), Engrossed Substitute House Bill No. 1221 is approved."

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## CHAPTER 8

[Engrossed Substitute Senate Bill No. 5901]

### CONVENTION AND TRADE CENTER—PROFESSIONAL SPORTS FRANCHISES

AN ACT Relating to fiscal matters; 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.

Be it enacted by the Legislature of the State of Washington:

**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

((2)) (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.

\*Sec. 10 was vetoed, see message at end of chapter.

**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.

**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.

Passed the Senate May 21, 1987.

Passed the House May 21, 1987.

Approved by the Governor June 12, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 12, 1987.

Note: Governor's explanation of partial veto is as follows:

"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.\*

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## CHAPTER 9

[Engrossed Substitute Senate Bill No. 6016]

### TRANSPORTATION REVENUE AND TAXATION

AN ACT Relating to transportation revenue and taxation; amending RCW 46.29.050, 46.52.130, 46.16.060, 46.16.070, 82.44.020, 82.02.030, and 82.44.110; reenacting and amending RCW 82.44.150, 82.08.0255, and 82.12.0256; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 5, chapter 169, Laws of 1963 as last amended by section 10, chapter 1, Laws of 1985 ex. sess. and RCW 46.29.050 are each amended to read as follows:

(1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall (a) indicate the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether the vehicles were occupied at the time of the accident; and (b) contain reference to any convictions of the person for violation of the motor vehicle laws as reported to the department, reference to any findings that the person has committed a traffic infraction which have been reported to the department,



and a record of any vehicles registered in the name of the person. The department shall collect for each abstract the sum of (~~three~~) four dollars and fifty cents which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of (~~three~~) four dollars and fifty cents which shall be deposited in the highway safety fund.

Sec. 2. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter 181, Laws of 1987 and RCW 46.52.130 are each amended to read as follows:

Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering the employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering the named individual, or the insurance carrier to which the named individual has applied. Both parts shall be furnished to an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment. City attorneys and county prosecuting attorneys may provide both parts of the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to individuals, insurance companies, or employers, and covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; and any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

The abstract provided to an insurance company shall have excluded from it any information pertaining to any occupational driver's license when the license is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has

been issued such a license by reason of a conviction or finding of a traffic infraction involving a motor vehicle offense outside the scope of his principal employment, and who has during that period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each abstract the sum of ~~((three))~~ four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, or denied on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving the certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Any violation of this section is a gross misdemeanor.

Sec. 3. Section 46.16.060, chapter 12, Laws of 1961 as last amended by section 13, chapter 380, Laws of 1985 and RCW 46.16.060 are each amended to read as follows:

(1) Except for vehicles already so taxed in RCW 46.16.070 and 46.16.085 or as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each registration year or fractional part thereof and upon each vehicle a license fee of twenty-three dollars ~~((or))~~, but effective with initial motor vehicle registrations that expire in January, 1989, and thereafter, the license fee shall be twenty-seven

dollars and seventy-five cents; however, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, ((a)) the renewal license fee ((of)) shall be nineteen dollars, but effective with vehicle license renewals that expire in January, 1989, and thereafter, the renewal license fee shall be twenty-three dollars and seventy-five cents. The proceeds of such fees shall be distributed in accordance with RCW 46.68.030. The fee for licensing each house-moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44 RCW shall be twenty-five dollars, but effective with licenses that expire in January, 1989, and thereafter, the fee shall be twenty-nine dollars and seventy-five cents, and no other fee shall be charged for the load carried thereon.

(2) The department of licensing, county auditors, and other authorized agents shall collect for any registration year any increase in the fees authorized by this section for the months of that registration year in which any such increase is effective in the same manner and at the same time as such fees for that registration year would otherwise be collected as provided by law.

Sec. 4. Section 46.16.070, chapter 12, Laws of 1961 as last amended by section 4, chapter 18, Laws of 1986 and RCW 46.16.070 are each amended to read as follows:

In lieu of all other vehicle licensing fees and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of six or more, based upon the declared combined gross vehicle weight or declared gross vehicle weight thereof, the following licensing fees by such gross vehicle weight:

4,000 lbs. ....	\$ 27.75
6,000 lbs. ....	\$ 32.72
8,000 lbs. ....	\$ 40.30
10,000 lbs. ....	\$ 45.37
12,000 lbs. ....	\$ 52.62
14,000 lbs. ....	\$ 59.86
16,000 lbs. ....	\$ 67.31
18,000 lbs. ....	\$ 99.02
20,000 lbs. ....	\$ 109.94
22,000 lbs. ....	\$ 118.76
24,000 lbs. ....	\$ 127.95
26,000 lbs. ....	\$ 135.08
28,000 lbs. ....	\$ 158.66
30,000 lbs. ....	\$ 182.18
32,000 lbs. ....	\$ 218.78

34,000 lbs. ....	\$ 232.06
36,000 lbs. ....	\$ 251.39
38,000 lbs. ....	\$ 275.51
40,000 lbs. ....	\$ 314.99
42,000 lbs. ....	\$ 327.16
44,000 lbs. ....	\$ 334.02
46,000 lbs. ....	\$ 358.91
48,000 lbs. ....	\$ 374.19
50,000 lbs. ....	\$ 405.36
52,000 lbs. ....	\$ 426.45
54,000 lbs. ....	\$ 460.02
56,000 lbs. ....	\$ 485.21
58,000 lbs. ....	\$ 504.53
60,000 lbs. ....	\$ 537.29
62,000 lbs. ....	\$ 575.50
64,000 lbs. ....	\$ 588.75
66,000 lbs. ....	\$ 655.14
68,000 lbs. ....	\$ 682.99
70,000 lbs. ....	\$ 735.14
72,000 lbs. ....	\$ 785.36
74,000 lbs. ....	\$ 853.15
76,000 lbs. ....	\$ 922.05
78,000 lbs. ....	\$ 1,006.10
80,000 lbs. ....	\$ 1,085.95

The proceeds from such fees shall be distributed in accordance with RCW 46.68.035.

Effective with motor vehicle licenses that expire in January, 1989, and thereafter, a surcharge of four dollars and seventy-five cents is added to such fees. The proceeds of this surcharge shall be forwarded to the state treasurer to be deposited into the state patrol highway account of the motor vehicle fund.

Every motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.85, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle.

Sec. 5. Section 82.44.020, chapter 15, Laws of 1961 as last amended by section 19, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the fair market value of such vehicle.

(2) ~~((From and after August 1, 1978, and until August 1, 2008;))~~ An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the fair market value of such vehicle.

(3) Effective with January, 1989, motor vehicle license expirations, and ending after December, 1990, expirations, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise tax shall be one-tenth of one percent of the fair market value of such vehicle.

(4) The department of licensing and county auditors shall collect the additional tax imposed by subsections (2) and (3) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

~~((4))~~ (5) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

~~((5))~~ (6) An additional tax is imposed equal to the taxes payable under subsections (1) and (2) of this section multiplied by the rate specified in RCW 82.02.030.

Sec. 6. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 5, chapter 296, Laws of 1986 and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020~~((5))~~(6), and 82.45.060(2) shall be seven percent;

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent; and

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent.

Sec. 7. Section 82.44.110, chapter 15, Laws of 1961 as last amended by section 12, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.44.110 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer, ninety-eight percent of

which excise tax revenue shall upon receipt thereof be credited by the state treasurer to the general fund, and two percent of which excise tax revenue shall be credited by the state treasurer to the motor vehicle fund to defray administrative and other expenses incurred by the state department of licensing in the collection of the excise tax: PROVIDED, That:

(1) One hundred percent of the proceeds of the additional ((two-tenths of one percent excise)) tax imposed by RCW 82.44.020(2)((, as now or hereafter amended;)) shall be credited by the state treasurer to the Puget Sound capital construction account in the motor vehicle fund((: PROVIDED FURTHER, That));

(2) One hundred percent of the proceeds of the additional tax imposed by RCW 82.44.020(3) shall be credited by the state treasurer to the Puget Sound ferry operations account in the motor vehicle fund; and

(3) All revenues collected under RCW 82.44.020((5))((6)) shall be credited by the state treasurer to the general fund.

\*Sec. 8. 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))((6)) 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))((6)) 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))~~)(6). 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)) thereof shall be allocable to the county sales and use tax equalization account under RCW 82.14.200(~~(; and a sum equal to seventy percent of all motor vehicle excise tax receipts, except taxes collected under RCW 82.44.020(5), shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:~~

~~(a) The amount required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds authorized by RCW 28A.47.760 through 28A.47.774 in the ensuing twelve months and any additional amounts required by the covenants of such bonds shall be transferred from the state school equalization fund to the 1963 public school building bond retirement fund:~~

~~(b) Any remaining amounts in the state school equalization fund from the motor vehicle excise taxes not required for debt service on the above bond issues shall be transferred and credited to the general fund).~~

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:

(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management.

(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department of licensing, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise

tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(6) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (5) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (5) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (5) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(8) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (5) of this section.

**(9) Effective with January, 1990, distributions, 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.**

\*Sec. 8 was partially vetoed, see message at end of chapter.

\*Sec. 9. Section 23, chapter 37, Laws of 1980 as last amended by section 1, chapter 108, Laws of 1983 and by section 2, chapter 35, Laws of 1983 1st ex. sess. and RCW 82.08.0255 are each reenacted and amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of:

(a) Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes; and

(b) Motor vehicle and special fuel if:

(i) The fuel is purchased for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(9); or

(ii) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under RCW 82.36.285 or 82.38.080(8); or

(iii) The fuel is purchased for marine use by the state ferry system, or

(iv) The fuel is taxable under chapter 82.36 or 82.38 RCW.

(2) Any person who has paid the tax imposed by RCW 82.08.020 on the sale of special fuel delivered in this state shall be entitled to a credit or refund of such tax with respect to fuel subsequently established to have been actually transported and used outside this state by persons engaged in interstate commerce. The tax shall be claimed as a credit or refunded through the tax reports required under RCW 82.38.150.

\*Sec. 9 was vetoed, see message at end of chapter.

\*Sec. 10. Section 56, chapter 37, Laws of 1980 as last amended by section 2, chapter 108, Laws of 1983 and by section 3, chapter 35, Laws of 1983 1st ex. sess. and RCW 82.12.0256 are each reenacted and amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of:

(1) Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes; and

(2) Special fuel purchased in this state upon which a refund is obtained as provided in RCW 82.38.180(2); and

(3) Motor vehicle and special fuel if:

(a) The fuel is used for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(9); or

(b) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under RCW 82.36.285 or 82.38.080(8); or

*(c) The fuel is purchased for marine use by the state ferry system, or  
(d) The fuel is taxable under chapter 82.36 or 82.38 RCW: PROVIDED, That the use of motor vehicle and special fuel upon which a refund of the applicable fuel tax is obtained shall not be exempt under this subsection (3)((c))(d), and the director of licensing shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue.*

\*Sec. 10 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

Passed the Senate May 7, 1987.

Passed the House May 17, 1987.

Approved by the Governor June 12, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 12, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."

CHAPTER 10

[Engrossed Substitute Senate Bill No. 6076]  
TRANSPORTATION BUDGET

AN ACT Relating to transportation appropriations; amending RCW 46.68.110 and 46.68.120; creating new sections; making appropriations and authorizing expenditures; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

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
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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
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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
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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 Appropriation—State . . . . .	\$	94,005,256
Motor Vehicle Fund—State Patrol Highway		
Account Appropriation—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 curbstome program (chapter 241, Laws of 1986). No moneys may be expended beyond the funding source revenues.**

\*Sec. 9 was partially vetoed, see message at end of chapter.

**\*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.**

\*Sec. 10 was partially vetoed, see message at end of chapter.

**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
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**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
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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
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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.***

\*Sec. 25 was partially vetoed, see message at end of chapter.

**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 Approp-		
riation .....	\$	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.

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 ((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) 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 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) 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 highway 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.*

\*Sec. 41 was vetoed, see message at end of chapter.

**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

St Patrol Hiwy Acct	150,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
312,000		462,000

NEW SECTION. Sec. 46. FOR THE WASHINGTON STATE PATROL

State-wide: Minor works request (86-1-002)

	Reappropriation	Appropriation
St Patrol Hiway Acct		868,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
525,000		1,393,000

NEW SECTION. Sec. 47. FOR THE WASHINGTON STATE PATROL

State-wide: Contingency request (86-1-003)

	Reappropriation	Appropriation
St Patrol Hiway Acct		411,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
166,000		577,000

NEW SECTION. Sec. 48. FOR THE WASHINGTON STATE PATROL

Construct district headquarters facility: Spokane (88-2-009)

	Reappropriation	Appropriation
St Patrol Hiway Acct		2,391,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,391,000

NEW SECTION. Sec. 49. FOR THE WASHINGTON STATE PATROL

Construct district headquarters facility: Wenatchee (88-2-007)

	Reappropriation	Appropriation
St Patrol Hiway Acct		1,761,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,761,000

NEW SECTION. Sec. 50. FOR THE WASHINGTON STATE PATROL

Program through design development: Tacoma headquarters (88-2-015)

	Reappropriation	Appropriation
St Patrol Hiway Acct		53,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	2,333,000	2,386,000

NEW SECTION. Sec. 51. FOR THE WASHINGTON STATE PATROL

Construct detachment office: Mount Vernon (88-1-018)

	Reappropriation	Appropriation
St Patrol Hiway Acct		639,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		639,000

NEW SECTION. Sec. 52. FOR THE WASHINGTON STATE PATROL

Program through design development: Everett headquarters (88-2-016)

Reappropriation	Appropriation
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St Patrol Hiway Acct		53,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	2,333,000	2,386,000

NEW SECTION. Sec. 53. FOR THE WASHINGTON STATE PATROL

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.

Passed the Senate May 17, 1987.

Passed the House May 17, 1987.

Approved by the Governor June 12, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 12, 1987.

Note: Governor's explanation of partial veto is as follows:

"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."



PROPOSED CONSTITUTIONAL AMENDMENTS HJR 4212

PROPOSED CONSTITUTIONAL AMENDMENT  
ADOPTED AT THE 1987 REGULAR SESSION  
FOR SUBMISSION TO THE VOTERS  
AT THE STATE GENERAL ELECTION, NOVEMBER 1987

HOUSE JOINT RESOLUTION NO. 4212

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article II of the Constitution of the state of Washington by repealing section 4 thereof and amending Article II, section 5 and Article II, section 6 of the state Constitution to read as follows:

Article II, section 4. Section 4, Article II of the Constitution of the state of Washington is repealed.

Article II, section 5. (~~The next election of the members of the house of representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter, members of the house of representatives shall be elected biennially and their term of office shall be two years, and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.~~) Members of the house of representatives shall be elected for terms of four years with as near to one-half of their number as is mathematically possible retiring every two years. At the general election to be held on the first Tuesday next succeeding the first Monday in November 1988, the candidate in each representative district who receives the greatest number of votes shall be elected for a term of four years and thereafter for a term of four years, and at the same election the winning candidate in each representative district who receives the second highest number of votes shall be elected for a term of two years and thereafter for a term of four years.

Elections of the members of the house of representatives shall be on the first Tuesday after the first Monday of November in each even-numbered year unless otherwise changed by law. Persons elected to the house of representatives shall serve four-year terms unless they resign or seek other legislative office.

Article II, section 6. (~~After the first election~~) The senators shall be elected by single districts of convenient and contiguous territory, (at the same time and) in the same manner as members of the house of representatives are required to be elected; and no representative district (~~shall~~)

## HJR 4212 PROPOSED CONSTITUTIONAL AMENDMENTS

may be divided in the formation of a senatorial district. They shall be elected for ((the)) terms of ((four)) six years, ((one-half)) with as near to one-third of their number retiring every two years. The senatorial districts shall be numbered consecutively, and ((the senators chosen at the first election had by virtue of this Constitution, in odd numbered districts, shall go out of office at the end of the first year, and the senators, elected in the even numbered districts, shall go out of office at the end of the third year)) shall be divided into three groups: The first group to consist of every first district, the second to consist of every second district, and the third to consist of every third district. For those districts in which senators are to be elected in 1988 the term of office shall be four years for each district in the first and second groups and six years for each district in the third group; and thereafter in each district the term of office shall be six years. For those districts in which senators are to be elected in 1990, the term of office shall be four years for each district in the first group and six years for each district in the second and third groups; and thereafter in each district the term of office shall be six years.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House March 11, 1987.

Passed the Senate April 16, 1987.

Filed in Office of Secretary of State April 23, 1987.

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PROPOSED CONSTITUTIONAL AMENDMENT  
ADOPTED AT THE 1987 REGULAR SESSION  
FOR SUBMISSION TO THE VOTERS  
AT THE STATE GENERAL ELECTION, NOVEMBER 1987

HOUSE JOINT RESOLUTION NO. 4220

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IX, section 3 and an amendment to Article VII, section 2 of the Constitution of the state of Washington to read as follows:

Article IX, section 3. (1) The principal of the permanent common school fund as the same existed on June 30, 1965, and including any revenue dedicated to the fund from a state property tax shall remain permanent and irreducible.

## PROPOSED CONSTITUTIONAL AMENDMENTS HJR 4220

(2) The ~~((said))~~ permanent common school fund shall consist of the principal amount ~~((thereof existing on June 30, 1965))~~ under subsection (1) of this section, and such additions thereto as may be derived after June 30, 1965, from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of stone, minerals, or property other than timber and other crops from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating stone, minerals or property other than timber and other crops from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the state for the support of common schools. The legislature may make further provisions for enlarging said fund.

(3) There is hereby established the common school construction fund to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: ~~((+))~~ (a) Those proceeds derived from the sale or appropriation of timber and other crops from school and state lands subsequent to June 30, 1965, other than those granted for specific purposes; ~~((+))~~ (b) the interest accruing on said permanent common school fund from and after July 1, 1967, together with all rentals and other revenues derived therefrom and from lands and other property devoted to the permanent common school fund from and after July 1, 1967; and ~~((+))~~ (c) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire ~~((such))~~ bonds ~~((as may be))~~ authorized by law prior to January 1, 1987, for the purpose of financing the construction of facilities for the common schools.

~~((The interest accruing on the permanent common school fund together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section during the period after the effective date of this amendment and prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.))~~

(4) To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of

## **HJR 4220 PROPOSED CONSTITUTIONAL AMENDMENTS**

the permanent common school fund or available for the current use of the common schools, as the legislature may direct.

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, 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 per centum 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. 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

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election: **PROVIDED,** That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities may provide such support for a period not exceeding six years;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than

**PROPOSED CONSTITUTIONAL AMENDMENTS SJR 8207**

forty per centum of the total number of votes cast in such taxing district at the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort;

(d) By the state for a property tax at a rate not to exceed thirty-five cents per thousand dollars assessed valuation adjusted to the state equalized value, levied for a maximum of fifteen years and used exclusively for school construction purposes.

BE IT FURTHER RESOLVED, That the foregoing amendment shall be construed as a single amendment within the meaning of Article XXIII, section 1 of this Constitution.

The legislature finds that the changes contained in the foregoing amendment constitute a single integrated plan for funding common school capital projects. If the foregoing amendment is held to be separate amendments, this joint resolution shall be void in its entirety and shall be of no further force and effect; and

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House April 26, 1987.

Passed the Senate April 16, 1987.

Filed in Office of Secretary of State April 29, 1987.

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**PROPOSED CONSTITUTIONAL AMENDMENT  
ADOPTED AT THE 1987 REGULAR SESSION  
FOR SUBMISSION TO THE VOTERS  
AT THE STATE GENERAL ELECTION, NOVEMBER 1987**

**SENATE JOINT RESOLUTION NO. 8207**

**BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:**

## **SJR 8207 PROPOSED CONSTITUTIONAL AMENDMENTS**

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 7 of the Constitution of the state of Washington to read as follows:

Article IV, section 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge, pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House April 13, 1987.

Passed the Senate February 4, 1987.

Filed in Office of Secretary of State April 17, 1987.

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**PROPOSED CONSTITUTIONAL AMENDMENT  
ADOPTED AT THE 1987 REGULAR SESSION  
FOR SUBMISSION TO THE VOTERS  
AT THE STATE GENERAL ELECTION, NOVEMBER 1987  
SENATE JOINT RESOLUTION NO. 8212**

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XVI, section 5 of the Constitution of the state of Washington to read as follows:

Article XVI, section 5. Notwithstanding the provisions of sections 5 and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the permanent common school fund and other public land permanent funds of this state may be invested as authorized by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at

**PROPOSED CONSTITUTIONAL AMENDMENTS SJR 8212**

least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate March 12, 1987.

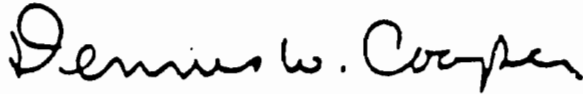
Passed the House April 14, 1987.

Filed in Office of Secretary of State April 17, 1987.

## AUTHENTICATION

I, Dennis W. Cooper, Code Reviser of the State of Washington, do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 1987 first extraordinary session, chapters 1 through 10, (50th Legislature) as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this twenty-second day of June, 1987.

A handwritten signature in black ink that reads "Dennis W. Cooper". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

DENNIS W. COOPER  
Code Reviser



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(For regular and first extraordinary sessions, 1987)

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SSB	5106	65	SSB	5274	519
SSB	5107	235	SB	5277	52
ESB	5110	465	ESSB	5285	308
SSB	5113	310	SSB	5288	102
ESB	5120	302	ESSB	5293	4
SSB	5123	469	ESSB	5299	443
SSB	5124	311	ESSB	5301	94
SB	5129	510	SSB	5312	135
SSB	5130	196	SSB	5318	21
SSB	5136	44	SSB	5326	369
SB	5138	49	SB	5327	76
SB	5139	80	SSB	5329	91
SSB	5142	280	SSB	5330	9
ESSB	5143	404	SB	5331	10
SSB	5144	45	SB	5335	477
SB	5146	50	SB	5348	62
SB	5148	60	ESSB	5351	7
ESB	5149	43	SSB	5371	56
ESSB	5150	192	SB	5380	455
			SB	5381	77

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**TABLE: BILL NO. TO CHAPTER NO.**

Number		Chapter Number Laws of 1987	Number		Chapter Number Laws of 1987
SSB	5389	103	SSB	5581	46
SSB	5392	256	SSB	5584	221
SSB	5393	284	SSB	5594	93
SB	5402	88	SB	5597	445
SB	5403	59	SSB	5598	105
SSB	5405	365	ESSB	5604	271
SB	5408	219	SB	5605	244
SB	5410	61	SSB	5606	502 PV
SB	5412	198	ESSB	5608	335 PV
SB	5413	199	SSB	5622	507
SB	5415	68	SSB	5632	478
SB	5416	200	SB	5642	193
SSB	5417	69	ESSB	5650	264
SB	5418	63	E2SSB	5659	524 PV
SSB	5423	237	SB	5666	520
SB	5427	109 PV	SB	5668	106
SB	5428	400	SB	5678	390
SB	5433	40	SSB	5679	107
ESSB	5439	466	SB	5685	6
SB	5442	Vetoed	SSB	5688	97
SB	5444	246	SB	5693	296
2SSB	5453	409	SB	5712	96
SSB	5456	270	SSB	5717	190
ESB	5463	349	SB	5732	267
ESSB	5464	266	SB	5735	227
SSB	5466	83	SB	5739	471 PV
SB	5469	195	ESB	5740	78
ESSB	5479	525 PV	SB	5747	341
SB	5483	448	SSB	5761	79
SSB	5495	87	SSB	5763	48
E2SSB	5501	259	ESB	5764	342
ESSB	5502	344	SB	5774	252
SSB	5510	332	SSB	5779	99
SSB	5511	326	SB	5780	268
SSB	5512	384	ESSB	5801	515 PV
SB	5513	215	SSB	5814	313
SSB	5514	309	ESB	5822	92
2SSB	5515	149	SSB	5824	188
SSB	5519	104	SSB	5825	383
SSB	5520	340	SSB	5830	84
SB	5522	218	ESSB	5838	317
SB	5523	47	2SSB	5845	95
ESB	5529	328	SSB	5846	427 PV
SSB	5530	348	SSB	5849	14
ESSB	5533	408	ESSB	5850	397 PV
SB	5536	57	ESSB	5857	416 PV
SB	5541	74	SSB	5858	89
ESB	5546	324	SB	5861	194
ESB	5549	286	ESB	5863	253
SB	5550	402	2SSB	5871	287
2SSB	5555	504 PV	SSB	5880	459
ESB	5556	523 PV	ESB	5882	303
SSB	5561	336	SSB	5892	108
SB	5564	275	ESSB	5901	8 E1 PV
SSB	5565	42	SSB	5911	472 PV
ESSB	5570	528 PV	SB	5936	201
ESB	5571	509	SSB	5944	Vetoed

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**TABLE: BILL NO. TO CHAPTER NO.**

Number		Chapter Number Laws of 1987	Number		Chapter Number Laws of 1987
SB	5948	318	HB	86	315
RESB	5955	32	ESHB	88	414 PV
SB	5956	Vetoed	HB	91	387
ESB	5972	269	HB	94	444
SB	5976	233	ESHB	95	321
SSB	5977	279	HB	96	156
SSB	5978	334	SHB	98	26
2SSB	5986	479	ESHB	99	431
2SSB	5993	343	HB	110	204
ESB	5996	492	SHB	116	354
ESB	6003	491	SHB	124	110
SSB	6010	Vetoed	SHB	129	512 PV
ESB	6012	277	SHB	130	254
ESSB	6013	329	ESHB	134	412 PV
ESSB	6016	9 E1 PV	HB	135	389 PV
SSB	6023	289	HB	136	114
SSB	6033	495	SHB	138	231
SB	6038	41	HB	142	152
SSB	6048	212 PV	HB	146	338 PV
SB	6053	508 PV	SHB	147	130
SSB	6061	474	HB	148	111
ESSB	6064	483	SHB	153	206
SB	6065	85	SHB	154	238
ESSB	6076	10 E1 PV	EHB	161	454
<b>HOUSE</b>					
HB	1	23	2SHB	163	307
SHB	2	449 PV	E2SHB	164	513 PV
HB	3	490	ESHB	168	325
ESHB	4	403	SHB	170	380
EHB	6	4	HB	171	407 PV
SHB	9	18	ESHB	186	120
HB	10	417	HB	187	151
SHB	11	17	SHB	188	161
E2SHB	16	405	HB	194	203
EHB	24	294	E2SHB	196	388 PV
ESHB	25	505 PV	HB	197	168
ESHB	26	511 PV	SHB	198	245
HB	31	132	HB	199	166
EHB	39	298	HB	200	207
SHB	42	154	HB	203	208
HB	44	155	HB	204	27
ESHB	47	418	HB	205	153
SHB	48	460 PV	HB	209	496
HB	49	115	ESHB	217	363
HB	51	128	HB	220	484
SHB	55	159	E2SHB	221	304
SHB	56	258	SHB	226	Vetoed
SHB	60	148	SHB	231	394
SHB	63	432	SHB	232	125
HB	66	139	EHB	235	144
HB	67	493	SHB	237	214
HB	68	123	SHB	238	239
HB	75	124	SHB	244	299
ESHB	80	391	EHB	248	173
ESHB	83	463	HB	250	209
			HB	255	127
			2SHB	257	147
			ESHB	258	223

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**TABLE: BILL NO. TO CHAPTER NO.**

Number		Chapter Number Laws of 1987	Number		Chapter Number Laws of 1987
SHB	259	222	SHB	440	379 PV
HB	261	178	ESHB	445	2
SHB	263	19	E2SHB	448	434 PV
SHB	274	283	SHB	450	331
HB	277	371	HB	452	487
HB	279	378	ESHB	454	330
HB	282	28	RE2SHB	455	2 E1
ESHB	283	262	E2SHB	456	518 PV
SHB	289	250	SHB	458	333
SHB	291	288	HB	462	470 PV
HB	295	22	ESHB	465	172
ESHB	296	16	SHB	476	420
ESHB	298	138	E2SHB	477	5 E1
HB	310	240	2SHB	480	170
SHB	313	53	SHB	489	157
HB	315	1	SHB	492	15
E2SHB	321	497	ESHB	498	521 PV
SHB	324	337	ESHB	499	500
SHB	325	398	SHB	506	351
EHB	326	527	SHB	508	140
RESHB	327	6 E1 PV	EHB	520	117
SHB	329	180	SHB	522	113
EHB	338	364	SHB	523	436
2SHB	339	8	HB	541	376
ESHB	341	498	SHB	542	372
SHB	347	174	HB	545	145
HB	352	179	HB	549	300
SHB	353	393	HB	551	350
HB	358	25	EHB	559	175
SHB	364	419	SHB	563	150
ESHB	373	293	2SHB	569	452
HB	374	163	ESHB	571	399
HB	377	121	ESHB	578	358
HB	378	122	SHB	585	142
HB	379	306	E2SHB	586	503 PV
SHB	385	86	EHB	590	263
SHB	388	357	SHB	601	353
SHB	391	352	ESHB	611	272
SHB	393	55	SHB	614	346 PV
HB	395	261	RESHB	621	3 E1
EHB	396	327	HB	628	494
HB	399	210	HB	629	392
EHB	403	220	SHB	630	485 PV
HB	406	146	HB	643	169
HB	410	119	ESHB	644	481
SHB	413	430	SHB	646	406
SHB	415	181	ESHB	648	438 PV
SHB	418	440	HB	654	213
SHB	419	441	SHB	656	171
SHB	420	435	HB	658	133
SHB	424	136	HB	663	247
SHB	425	522 PV	ESHB	665	177
2SHB	426	499	SHB	669	182
SHB	430	457	HB	671	134
HB	431	176	SHB	677	316
EHB	432	366	EHB	678	24
EHB	435	514 PV	2SHB	684	456 PV

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**TABLE: BILL NO. TO CHAPTER NO.**

Number	Chapter Number Laws of 1987	Number	Chapter Number Laws of 1987
SHB 695	301	SHB 984	347
SHB 697	158	HB 985	377
HB 698	355	HB 992	356
HB 699	129	ESHB 995	482 PV
EHB 701	273	SHB 1004	160
SHB 706	167	E2SHB 1006	476 PV
HB 707	367	SHB 1012	292
EHB 713	421	HB 1014	242
SHB 732	165	HB 1016	381
SHB 734	396	EHB 1021	305
SHB 738	462	HB 1027	126
SHB 739	297	EHB 1034	428
ESHB 743	422	ESHB 1035	429
SHB 746	183	HB 1049	373
HB 748	360	SHB 1065	450
SHB 750	216	HB 1067	143
HB 753	224	SHB 1069	185
SHB 755	312	HB 1087	468
E2SHB 758	506 PV	HB 1090	433
SHB 763	162	SHB 1097	446
SHB 767	415 PV	SHB 1098	274
HB 770	232	EHB 1123	257
EHB 772	319 PV	ESHB 1128	265
SHB 773	359	SHB 1132	501
ESHB 776	375	HB 1137	282
SHB 782	423	SHB 1156	461
SHB 783	164	SHB 1158	386
SHB 786	401	SHB 1160	424
SHB 790	370	HB 1180	137
HB 795	291	HB 1185	255
SHB 805	112	ESHB 1197	413
2SHB 813	473 PV	HB 1199	361
HB 815	241	HB 1204	131
HB 816	251	HB 1205	516 PV
HB 825	234	ESHB 1221	7 E1 PV
HB 827	141	HB 1228	458 PV
EHB 831	453	EHB 1239	Vetoed
SHB 833	480		
HB 843	184		
ESHB 844	475		
HB 856	276		
SHB 857	437		
HB 865	118		
SHB 876	410		
SHB 902	339		
SHB 920	320 PV		
ESHB 927	442 PV		
SHB 928	374		
ESHB 931	411		
SHB 937	290		
SHB 942	116		
HB 947	260		
HB 954	295 PV		
EHB 959	Vetoed		
SHB 970	Vetoed		
SHB 978	517 PV		
SHB 982	464		

## RCW SECTIONS AFFECTED BY 1987 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
1.30.040	AMD	505	2	4.56.190	AMD 442 1103
2.04.190	AMD	202	101	4.56.200	AMD 202 117
2.06.040	AMD	43	1	4.64.020	AMD 442 1109
2.08.020	AMD	202	102	4.64.030	AMD 442 1107
2.08.061	AMD	323	1	4.64.040	REP 442 1120
		(Effective 1/1/88)		4.64.060	AMD 442 1105
2.08.062	AMD	323	2	4.64.070	AMD 442 1106
		(Effective 1/1/88)		4.64.080	AMD 442 1108
2.08.067	REP	212	103	4.64.090	AMD 442 1113
2.08.180	AMD	73	1	4.64.100	AMD 442 1110
2.10.180	AMD	326	17	4.64.110	AMD 202 118
2.12.090	AMD	326	18	4.64.120	AMD 202 119
2.20.020	AMD	202	103	4.64.120	AMD 442 1111
2.28.040	AMD	202	104	4.80.140	AMD 202 120
2.32.070	AMD	382	1	4.84.030	AMD 202 121
2.32.180	AMD	323	4	4.84.130	AMD 202 122
2.36.150	AMD	202	105	4.84.185	AMD 212 201
2.40.010	AMD	202	106	4.84.300	AMD 202 123
2.48.190	AMD	202	107	4.96.040	REP 212 402
2.52	ADD	322	4	5.28.010	AMD 202 124
2.52.010	AMD	322	1	5.40.060	AMD 212 1001
2.52.030	AMD	322	2	5.56.070	AMD 202 125
2.52.050	AMD	322	3	5.56.080	AMD 202 126
2.52.060	REP	322	5	5.60.060	AMD 212 1501
2.52.070	REP	322	5	5.60.060	AMD 439 11
2.52.080	REP	322	5	5.62.010	AMD 198 1
2.56.030	AMD	363	6	6	ADD 442 101-104,
2.56.080	AMD	202	108		201-224,
2.56.110	AMD	202	109		301-307,
2.64	ADD	186	4,6		401-419,
2.64.010	AMD	186	1		501-506,
2.64.020	AMD	186	2		601-613,
2.64.090	REP	186	9		701-712,
2.64.110	AMD	186	5		801-828,
2.64.900	REP	186	9		901-907,
3.02	ADD	266	1		1001-1035,
3.30.020	AMD	202	110		1101-1111,
3.34.010	AMD	202	111		1113,
3.34.020	AMD	202	112		1115-1119
3.34.030	AMD	202	113	6.04.010	AMD 442 402
3.46.020	AMD	3	1	6.04.020	AMD 442 406
3.62.050	AMD	202	114	6.04.030	AMD 442 407
3.62.060	AMD	382	2	6.04.035	AMD 442 410
3.66.100	AMD	442	1101	6.04.040	AMD 442 411
3.70.010	AMD	3	2	6.04.050	AMD 442 412
4.16.350	AMD	212	1401	6.04.060	AMD 442 409
4.22.020	AMD	212	801	6.04.070	AMD 442 403
4.22.060	AMD	212	1901	6.04.080	REP 442 420
4.24	ADD	212	401	6.04.090	REP 442 420
4.24.005	AMD	212	1601	6.04.095	REP 442 420
4.24.180	AMD	202	115	6.04.100	AMD 442 413
4.24.230	AMD	353	1	6.04.110	REP 442 420
4.24.264	AMD	212	1101	6.04.120	AMD 442 418
4.24.268	REP	212	402	6.04.130	AMD 442 419
4.24.310	AMD	212	501	6.04.140	AMD 442 408
4.24.420	AMD	212	901	6.04.150	REP 442 420
4.28.080	AMD	361	1	6.12.010	AMD 442 201
4.56.190	AMD	202	116	6.12.020	AMD 442 202



**RCW SECTIONS AFFECTED BY 1987 STATUTES**

RCW	CH.	SEC.	RCW	CH.	SEC.
6.12.045	AMD	442	204	6.24.160	AMD 442 706
6.12.050	AMD	442	203	6.24.170	AMD 442 707
6.12.070	REP	442	225	6.24.180	AMD 442 708
6.12.080	REP	442	225	6.24.190	AMD 442 709
6.12.090	AMD	442	207	6.24.200	AMD 442 710
6.12.100	AMD	442	208	6.24.210	AMD 442 711
6.12.105	AMD	442	209	6.24.220	AMD 442 612
6.12.110	AMD	442	206	6.24.230	AMD 442 712
6.12.120	AMD	442	205	6.32	ADD 442 1114
6.12.140	AMD	442	210	6.32.250	AMD 442 1115
6.12.150	AMD	442	211	7	ADD 269 1-4
6.12.160	REP	442	225	7	ADD 456 6-8
6.12.170	AMD	442	212	7	ADD 456 9-24
6.12.180	AMD	442	213		(Effective 1/1/89)
6.12.190	AMD	442	214	7.06.020	AMD 202 127
6.12.200	REP	442	225	7.06.020	AMD 212 101
6.12.210	REP	442	225		(Effective 7/1/88)
6.12.220	AMD	442	215	7.06.040	AMD 212 102
6.12.230	AMD	442	216		(Effective 7/1/88)
6.12.240	REP	442	225	7.12.010	AMD 442 802
6.12.250	AMD	442	217	7.12.020	AMD 442 803
6.12.260	AMD	442	218	7.12.030	AMD 442 804
6.12.270	AMD	442	219	7.12.040	AMD 442 805
6.12.280	AMD	442	220	7.12.050	REP 442 829
6.12.300	AMD	442	221	7.12.060	AMD 202 128
6.12.310	AMD	442	222	7.12.060	AMD 442 808
6.12.320	AMD	442	223	7.12.070	AMD 442 809
6.12.330	AMD	442	224	7.12.080	AMD 442 810
6.16.010	REP	442	308	7.12.090	AMD 442 811
6.16.020	AMD	442	301	7.12.100	AMD 442 812
6.16.030	AMD	64	1	7.12.110	AMD 442 813
6.16.030	AMD	442	302	7.12.120	AMD 442 815
6.16.040	REP	442	308	7.12.130	AMD 442 416
6.16.050	AMD	442	303	7.12.140	AMD 442 817
6.16.070	AMD	442	304	7.12.150	AMD 442 820
6.16.080	AMD	442	305	7.12.160	AMD 442 822
6.16.090	AMD	442	306	7.12.170	AMD 442 823
6.20.010	AMD	442	503	7.12.180	AMD 442 1005
6.20.020	AMD	442	504	7.12.190	REP 442 829
6.20.030	AMD	442	505	7.12.200	AMD 442 816
6.20.040	REP	442	507	7.12.210	AMD 442 824
6.20.050	AMD	442	506	7.12.220	AMD 442 825
6.24.010	AMD	442	602	7.12.230	AMD 442 826
6.24.015	AMD	442	604	7.12.240	AMD 442 827
6.24.020	AMD	442	605	7.12.250	AMD 442 819
6.24.030	AMD	442	608	7.12.260	REP 442 829
6.24.050	AMD	442	607	7.12.270	AMD 442 818
6.24.060	AMD	442	609	7.12.280	REP 442 829
6.24.070	REP	442	614	7.12.290	REP 442 829
6.24.080	REP	442	614	7.12.300	REP 442 829
6.24.090	AMD	442	610	7.12.310	AMD 442 828
6.24.100	AMD	442	611	7.12.330	AMD 202 129
6.24.110	AMD	442	613	7.12.330	REP 442 829
6.24.120	REP	442	614	7.16.040	AMD 202 130
6.24.130	AMD	442	701	7.16.160	AMD 3 3
6.24.140	AMD	442	702	7.16.160	AMD 202 131
6.24.145	AMD	442	703	7.16.300	AMD 202 132
6.24.150	AMD	442	704	7.33.010	AMD 442 1002

**RCW SECTIONS AFFECTED BY 1987 STATUTES**

RCW	CH.	SEC.	RCW	CH.	SEC.
7.33.020	AMD	442	1003	9.46.020	REP 4 47
7.33.030	AMD	442	902	9.46.030	REP 4 47
7.33.040	AMD	202	133	9.46.070	AMD 4 38
7.33.040	AMD	442	1006	9.46.090	AMD 505 3
7.33.050	AMD	442	1007	9.46.110	REMD 4 39
7.33.060	AMD	202	134	9.46.120	AMD 4 40
7.33.060	AMD	442	1004	9.46.200	AMD 4 41
7.33.070	REP	442	908	9.46.220	AMD 4 42
7.33.080	REP	442	908	9.46.230	AMD 4 43
7.33.090	AMD	442	1009	9.46.230	AMD 202 139
7.33.100	REP	442	908	9.46.235	AMD 191 1
7.33.110	AMD	442	1010	9.46.240	AMD 4 44
7.33.120	REP	442	908	9.46.250	AMD 4 45
7.33.130	AMD	442	1011	9.58.100	REP 456 32
7.33.140	AMD	442	1012	9.61.190	AMD 456 25
7.33.150	AMD	442	1019		(Effective 1/1/89)
7.33.160	AMD	442	1017	9.61.200	AMD 456 26
7.33.170	AMD	442	1018		(Effective 1/1/89)
7.33.180	AMD	442	1024	9.61.210	REP 456 27
7.33.190	AMD	442	1020		(Effective 1/1/89)
7.33.200	AMD	442	1025	9.66.040	AMD 202 140
7.33.210	AMD	442	1026	9.68A	ADD 396 1-3
7.33.220	AMD	442	1027	9.69.100	AMD 503 18
7.33.230	AMD	442	1028	9.72.090	AMD 202 141
7.33.240	AMD	442	1021	9.91	ADD 385 1
7.33.250	REP	442	908	9.92.060	AMD 202 142
7.33.260	AMD	442	1022	9.92.070	AMD 3 4
7.33.270	AMD	442	1031	9.92.130	AMD 202 144
7.33.280	AMD	442	1015	9.92.140	AMD 202 145
7.33.290	AMD	442	1023	9.94A.030	AMD 187 3
7.33.300	AMD	442	1030	9.94A.030	AMD 456 1
7.33.320	AMD	442	1013	9.94A.030	AMD 458 1
7.33.330	AMD	442	1029	9.94A.120	REMD 402 1
7.33.340	AMD	442	904	9.94A.120	REMD 456 2
7.33.350	AMD	442	1032	9.94A.123	AMD 402 2
7.33.360	AMD	442	1033	9.94A.140	AMD 281 3
7.33.370	AMD	442	1034	9.94A.142	AMD 281 4
7.33.380	AMD	442	1035	9.94A.180	AMD 456 3
7.33.390	REP	442	908	9.94A.230	AMD 486 7
7.44.060	AMD	202	135	9.94A.320	AMD 187 4
7.48.250	AMD	202	136	9.94A.320	AMD 224 1
7.48.260	AMD	202	137	9.94A.360	AMD 456 4
7.68	ADD	281	2	9.94A.370	AMD 131 1
7.68.020	AMD	281	6	9.94A.390	AMD 131 2
7.68.035	AMD	281	1	9.94A.400	AMD 456 5
7.68.070	AMD	281	8	9.95.210	AMD 202 146
7.70	ADD	162	1	9A.04.110	AMD 324 1
7.70.090	AMD	212	1201		(Effective 7/1/88)
9.04.030	REP	456	32	9A.32	ADD 187 1
9.08.010	REP	94	5	9A.32.010	AMD 187 2
9.12.020	AMD	202	138	9A.36	ADD 188 1
9.12.030	REP	456	32	9A.36.021	AMD 324 2
9.41.098	AMD	373	7		(Effective 7/1/88)
9.41.098	AMD	506	91	9A.36.041	AMD 188 2
9.45.040	REP	456	32	9A.56.010	AMD 140 1
9.45.120	REP	456	32	9A.56.040	AMD 140 2
9.45.150	REP	456	32	9A.56.140	AMD 140 3
9.46	ADD	4	2-37	9A.56.160	AMD 140 4

## RCW SECTIONS AFFECTED BY 1987 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
9A.60.010	AMD	140	5	10.95.200	AMD 286 1
9A.88.010	AMD	277	1	10.98.050	AMD 450 6
10	ADD	280	1-19	10.98.110	AMD 462 2
10.01.070	AMD	202	147		(Effective 1/1/88)
10.01.090	AMD	202	148	10.98.120	REP 462 22
10.01.160	AMD	363	1		(Effective 1/1/88)
10.04	ADD	202	155	10.98.130	AMD 462 3
10.04.020	AMD	202	149		(Effective 1/1/88)
10.04.040	AMD	202	150	10.98.140	AMD 462 4
10.04.050	AMD	202	151		(Effective 1/1/88)
10.04.060	REP	202	251	10.98.160	AMD 462 5
10.04.080	REP	202	251		(Effective 1/1/88)
10.04.090	REP	202	251	11.20.030	AMD 202 171
10.04.100	AMD	202	152	11.52.010	AMD 442 1116
10.04.110	AMD	202	153	11.62.010	AMD 157 1
10.04.120	AMD	202	154	11.76.100	AMD 363 2
10.07.010	REP	202	252	12.04.050	AMD 442 1102
		(Effective 1/1/88)		12.24.010	REP 442 830
10.07.020	REP	202	252	12.24.020	REP 442 830
		(Effective 1/1/88)		12.24.030	REP 442 830
10.07.030	REP	202	252	12.24.040	REP 442 830
		(Effective 1/1/88)		12.24.050	REP 442 830
10.07.040	REP	202	252	12.24.060	REP 442 830
		(Effective 1/1/88)		12.24.070	REP 442 830
10.07.050	REP	202	252	12.24.080	REP 442 830
		(Effective 1/1/88)		12.24.090	REP 442 830
10.07.060	REP	202	252	12.24.100	REP 442 830
		(Effective 1/1/88)		12.24.110	REP 442 830
10.07.070	REP	202	252	12.24.120	REP 442 830
		(Effective 1/1/88)		12.24.130	REP 442 830
10.07.080	REP	202	252	12.24.135	REP 442 830
		(Effective 1/1/88)		12.24.140	REP 442 830
10.10.010	AMD	202	156	12.24.150	REP 442 830
10.10.040	REP	202	251	12.24.160	REP 442 830
10.13.010	AMD	202	157	12.24.170	REP 442 830
10.13.075	AMD	202	158	12.24.180	REP 442 830
10.13.100	AMD	202	159	12.24.190	REP 442 830
10.13.110	AMD	202	160	12.24.200	REP 442 830
10.13.120	AMD	202	161	12.24.210	REP 442 830
10.13.130	AMD	202	162	13.04.030	AMD 170 1
10.16.050	REP	202	251	13.04.116	AMD 462 1
10.16.060	REP	202	251		(Effective 1/1/88)
10.16.100	AMD	202	163	13.04.130	REP 450 9
10.16.130	REP	202	251	13.32A.170	AMD 524 1
10.16.135	REP	202	251	13.32A.175	AMD 435 13
10.16.160	AMD	202	164		(Effective 1/1/88)
10.19.110	AMD	202	165	13.34	ADD 170 2
10.19.120	AMD	202	166	13.34.020	AMD 524 2
10.31.100	REMD	66	1	13.34.030	AMD 524 3
10.31.100	REMD	154	1	13.34.060	REMD 524 4
10.31.100	REMD	277	2	13.34.120	AMD 524 5
10.31.100	REMD	280	20	13.34.160	AMD 435 14
10.37.015	AMD	202	167		(Effective 1/1/88)
10.46.210	AMD	202	168	13.34.180	AMD 524 6
10.77.250	AMD	75	1	13.40.190	AMD 281 5
10.82.070	AMD	202	169	13.40.210	AMD 505 4
10.82.080	AMD	75	2	13.50.050	AMD 450 8
10.91.040	AMD	202	170	14.08	ADD 254 1,2

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RCW		CH.	SEC.	RCW		CH.	SEC.
14.08.010	AMD	254	3	16.36.005	AMD	163	1
14.08.200	AMD	254	4	16.36.020	AMD	163	2
14.16	ADD	273	2	16.49	ADD	77	4-10
14.16.080	AMD	273	1	16.49.430	REP	77	13
15	ADD	452	1-9	16.49.440	AMD	77	1
15	ADD	452	10	16.49.452	REP	77	13
	(Effective 7/1/89)			16.49.454	AMD	77	2
15.04	ADD	393	26	16.49.600	REP	77	13
15.04.040	AMD	393	1	16.49.610	AMD	77	3
15.04.100	AMD	393	2	16.49.620	REP	77	13
15.04.200	AMD	452	16	16.49.640	REP	77	13
15.13.280	AMD	35	1	16.49.650	REP	77	13
15.13.310	AMD	35	2	16.49.660	REP	77	13
15.13.470	AMD	35	3	16.49.670	AMD	77	11
15.17.200	AMD	202	172	16.52	ADD	335	2,3
15.24.070	AMD	393	3	16.52.060	AMD	202	182
15.24.190	AMD	393	4	16.52.085	AMD	335	1
15.32.720	AMD	202	173	16.52.193	AMD	34	7
15.32.770	AMD	202	174	16.59.010	REP	393	27
15.35.240	AMD	164	1	16.59.020	REP	393	27
15.36.580	AMD	202	175	16.59.030	REP	393	27
15.49.470	AMD	202	176	16.59.040	REP	393	27
15.54	ADD	45	5-10,	16.59.050	REP	393	27
			14,20,	16.59.060	REP	393	27
			21,24	16.59.070	REP	393	27
15.54.270	AMD	45	1	16.59.900	REP	393	27
15.54.272	AMD	45	2	16.67.120	AMD	393	11
15.54.276	AMD	45	3	17.08.010	REP	438	40
15.54.280	AMD	45	4	17.08.020	REP	438	40
15.54.310	REP	45	35	17.08.050	REP	438	40
15.54.320	AMD	45	11	17.08.060	REP	438	40
15.54.340	AMD	45	12	17.08.070	REP	438	40
15.54.350	AMD	45	13	17.08.080	REP	438	40
15.54.360	REP	45	35	17.08.090	REP	438	40
15.54.370	AMD	45	16	17.08.100	REP	438	40
15.54.380	AMD	45	17	17.08.110	REP	438	40
15.54.390	AMD	45	18	17.08.120	REP	438	40
15.54.400	AMD	45	19	17.08.130	REP	438	40
15.54.410	REP	45	35	17.08.140	REP	438	40
15.54.420	AMD	45	22	17.08.150	REP	438	40
15.54.440	AMD	45	23	17.10	ADD	438	7,14,
15.58.150	AMD	45	25				16,
15.65.070	AMD	393	5				24-28,
15.65.170	AMD	393	6				37
15.65.250	AMD	393	7	17.10.010	AMD	438	1
15.65.390	AMD	393	9	17.10.030	AMD	438	2
15.65.400	AMD	393	10	17.10.040	AMD	438	3
15.65.470	AMD	393	8	17.10.050	AMD	438	4
15.86	ADD	393	12	17.10.060	AMD	438	5
16.04.040	AMD	202	177	17.10.070	AMD	438	6
16.08	ADD	94	1-4	17.10.080	AMD	438	8
16.12.020	AMD	202	178	17.10.090	AMD	438	9
16.12.030	AMD	202	179	17.10.100	AMD	438	10
16.12.040	REP	202	251	17.10.110	AMD	438	11
16.12.050	REP	202	251	17.10.120	AMD	438	12
16.12.060	REP	202	251	17.10.130	AMD	438	13
16.16.060	AMD	202	180	17.10.150	AMD	438	15
16.28.160	AMD	202	181	17.10.160	AMD	438	17

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RCW	CH.	SEC.	RCW	CH.	SEC.
17.10.170	AMD	438	18	18.26.050	REP 160 3
17.10.180	AMD	438	19		(Effective 6/30/87)
17.10.190	AMD	438	20	18.26.060	REP 160 3
17.10.200	AMD	438	21		(Effective 6/30/87)
17.10.210	AMD	438	22	18.26.070	REP 160 3
17.10.220	REP	438	40		(Effective 6/30/87)
17.10.230	AMD	438	23	18.26.080	REP 160 3
17.10.235	AMD	438	30		(Effective 6/30/87)
17.10.240	AMD	438	31	18.26.090	REP 160 3
17.10.250	AMD	438	32		(Effective 6/30/87)
17.10.260	AMD	438	33	18.26.110	REP 160 3
17.10.270	AMD	438	34		(Effective 6/30/87)
17.10.280	AMD	438	35	18.26.900	REP 160 3
17.10.290	AMD	438	36		(Effective 6/30/87)
17.10.900	AMD	438	38	18.27	ADD 362 4,5
17.21.030	AMD	45	26	18.27	ADD 419 1,3
17.21.090	AMD	45	27	18.27.020	AMD 362 1
17.21.100	AMD	45	28	18.27.030	AMD 111 9
17.21.120	AMD	45	29	18.27.030	AMD 362 2
17.21.129	AMD	45	30	18.27.040	AMD 362 6
17.21.180	AMD	45	31	18.27.050	AMD 303 1
17.21.280	AMD	202	183	18.27.090	AMD 313 1
18	ADD	150	61-77	18.27.100	AMD 362 3
18	ADD	214	19-23	18.27.210	AMD 419 2
18	ADD	412	1-3, 5-13	18.29	ADD 150 16
			(Effective 10/1/87)	18.29.076	AMD 150 15
18	ADD	415	1,2, 5-15	18.32	ADD 150 18
			(Effective 9/15/87)	18.32	ADD 252 1-4
18	ADD	415	4	18.32.039	AMD 150 17
			(Effective 1/1/88)	18.34	ADD 150 20
18	ADD	447	1-14	18.34.136	AMD 150 19
			(Effective 1/1/88)	18.35	ADD 150 21
18	ADD	512	1-20	18.35.110	AMD 150 22
18.06.050	AMD	447	15	18.35.161	AMD 150 23
18.06.110	AMD	150	9	18.35.190	AMD 150 24
18.11.085	AMD	336	1	18.35.210	REP 150 26
18.11.095	AMD	336	5	18.35.220	AMD 150 25
18.11.121	AMD	336	2	18.36	ADD 150 28
18.11.220	AMD	336	3	18.36.010	REP 447 23
18.11.230	AMD	336	4		(Effective 6/30/88)
18.16.140	AMD	445	1	18.36.020	REP 447 23
18.20.050	AMD	75	3		(Effective 6/30/88)
18.22	ADD	150	11	18.36.030	REP 447 23
18.22.018	AMD	150	10		(Effective 6/30/88)
18.25	ADD	150	14	18.36.040	REP 447 23
18.25.019	AMD	150	12		(Effective 6/30/88)
18.26	ADD	150	13	18.36.050	REP 447 23
18.26.010	REP	160	3		(Effective 6/30/88)
			(Effective 6/30/87)	18.36.060	REP 447 23
18.26.020	REP	160	3		(Effective 6/30/88)
			(Effective 6/30/87)	18.36.115	REP 447 23
18.26.028	REP	160	3		(Effective 6/30/88)
			(Effective 6/30/87)	18.36.120	REP 447 23
18.26.030	REP	160	3		(Effective 6/30/88)
			(Effective 6/30/87)	18.36.130	REP 447 23
18.26.040	REP	160	3		(Effective 6/30/88)
			(Effective 6/30/87)	18.36.136	AMD 150 27
			(Effective 6/30/87)		

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RCW	CH.	SEC.	RCW	CH.	SEC.
18.36.136	REP 447	23	18.71.015	AMD 116	1
	(Effective 6/30/88)		18.71.019	AMD 150	45
18.36.165	REP 447	23	18.71.095	REMD 129	1
	(Effective 6/30/88)		18.71.210	AMD 212	502
18.36.170	REP 447	23	18.72	ADD 416	1-4, 6
	(Effective 6/30/88)				
18.36.200	REP 447	23	18.73	ADD 214	7,9, 13
	(Effective 6/30/88)				
18.36.210	REP 447	23	18.73.010	AMD 214	1
	(Effective 6/30/88)		18.73.030	AMD 214	2
18.36.220	REP 447	23	18.73.050	AMD 214	3
	(Effective 6/30/88)		18.73.060	AMD 214	4
18.36.230	REP 447	23	18.73.070	AMD 214	5
	(Effective 6/30/88)		18.73.073	AMD 214	6
18.36.240	REP 447	23	18.73.077	REP 214	27
	(Effective 6/30/88)		18.73.080	REP 214	27
18.36.245	REP 447	23	18.73.085	AMD 214	8
	(Effective 6/30/88)		18.73.090	REP 214	27
18.39.020	AMD 150	30	18.73.100	REP 214	27
18.39.178	AMD 150	29	18.73.110	REP 214	27
18.39.215	AMD 331	76	18.73.130	AMD 214	10
18.44	ADD 471	5-10	18.73.140	AMD 214	11
18.44.370	AMD 471	4	18.73.160	REP 214	27
18.46.030	AMD 75	4	18.73.170	AMD 214	12
18.46.040	AMD 75	5	18.73.180	AMD 214	14
18.50	ADD 467	6	18.73.190	AMD 214	15
18.50.005	AMD 467	1	18.73.205	REP 214	27
18.50.010	AMD 467	2	18.73.210	AMD 214	16
18.50.040	AMD 467	3	18.73.210	RECD 214	25
18.50.060	AMD 467	4	18.73.220	AMD 214	17
18.50.126	AMD 150	31	18.73.220	RECD 214	25
18.50.140	AMD 467	5	18.73.230	AMD 214	18
18.51	ADD 476	10-22	18.73.230	RECD 214	25
18.51.060	AMD 476	23	18.74.029	AMD 150	47
18.51.091	AMD 476	24	18.74.090	AMD 150	48
18.51.220	AMD 476	25	18.78	ADD 150	50
18.51.260	AMD 476	26	18.78.054	AMD 150	49
18.52	ADD 150	32	18.83	ADD 150	51,52
18.52.055	REP 150	34	18.83.110	AMD 439	12
18.52.065	REP 150	34	18.83.120	REP 150	56
18.52.090	REP 150	34	18.83.130	REP 150	56
18.52.100	AMD 150	33	18.83.135	AMD 150	53
18.52.120	REP 150	34	18.83.145	REP 150	56
18.52.150	REP 150	34	18.83.155	AMD 150	54
18.52.155	REP 150	34	18.83.161	REP 150	56
18.52A.030	AMD 476	7	18.83.165	REP 150	56
18.53	ADD 150	38	18.83.180	AMD 150	55
18.53.101	AMD 150	36	18.85	ADD 332	18
18.54.076	AMD 150	37	18.85	ADD 513	8-11
18.55	ADD 150	40		(Effective 1/1/88)	
18.55.066	AMD 150	39	18.85	ADD 514	2, 4-7
18.57	ADD 150	42			
18.57.011	AMD 150	41	18.85.010	AMD 332	1
18.59	ADD 150	44	18.85.040	AMD 332	2
18.59.141	AMD 150	43	18.85.095	AMD 332	3
18.64	ADD 41	1	18.85.120	AMD 332	4
18.64.260	AMD 202	184	18.85.140	AMD 332	5
18.71	ADD 150	46	18.85.161	REP 332	19

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RCW	CH.	SEC.	RCW	CH.	SEC.
18.85.163	REP	332	19	18.130.050	AMD 150 2
18.85.190	AMD	332	6	18.130.060	AMD 150 3
18.85.200	AMD	332	7	18.130.170	AMD 150 6
18.85.215	AMD	332	17	18.130.185	AMD 150 8
18.85.215	AMD	514	1	18.130.190	AMD 150 7
18.85.220	AMD	332	8	18.130.310	AMD 505 5
18.85.230	AMD	332	9	19	ADD 317 1-14
18.85.230	AMD	370	15	19	ADD 391 1-13
18.85.240	AMD	332	10	19.02.040	AMD 505 6
18.85.251	AMD	332	11	19.16.230	AMD 85 1
18.85.261	AMD	332	12	19.27	ADD 104 1
18.85.271	AMD	332	13	19.27.060	AMD 462 12
18.85.310	AMD	513	1	19.27.070	AMD 505 7
	(Effective 1/1/88)			19.29.010	AMD 79 1
18.85.320	AMD	332	14	19.30.040	AMD 216 1
18.85.450	AMD	332	15	19.30.045	AMD 216 2
18.85.460	AMD	332	16	19.30.081	AMD 216 3
18.88.086	AMD	150	57	19.30.160	AMD 216 4
18.92	ADD	150	59	19.30.170	AMD 216 5
18.92.046	AMD	150	58	19.40	ADD 444 1-13
18.100.140	AMD	447	16		(Effective 7/1/88)
18.104	ADD	394	1,3	19.40.010	REP 444 15
18.104.070	AMD	394	2		(Effective 7/1/88)
18.104.130	AMD	109	24	19.40.020	REP 444 15
18.104.140	REP	109	159		(Effective 7/1/88)
18.108	ADD	443	1,8, 10,11, 13,14	19.40.030	REP 444 15
					(Effective 7/1/88)
18.108	ADD	443	12	19.40.040	REP 444 15
	(Effective 6/1/88)				(Effective 7/1/88)
18.108.010	AMD	443	2	19.40.050	REP 444 15
18.108.020	REMD	443	9		(Effective 7/1/88)
18.108.030	AMD	443	3	19.40.060	REP 444 15
18.108.040	AMD	443	4		(Effective 7/1/88)
18.108.050	AMD	443	5	19.40.070	REP 444 15
18.108.060	AMD	443	6		(Effective 7/1/88)
18.108.070	AMD	443	7	19.40.080	REP 444 15
18.108.076	AMD	150	60		(Effective 7/1/88)
18.108.090	REP	443	15	19.40.090	REP 444 15
18.108.110	REP	443	15		(Effective 7/1/88)
18.108.120	REP	443	15	19.40.100	REP 444 15
18.108.140	REP	443	15		(Effective 7/1/88)
18.108.150	REP	443	15	19.40.110	REP 444 15
18.108.160	REP	443	15		(Effective 7/1/88)
18.108.180	REP	443	15	19.40.120	REP 444 15
18.108.200	REP	443	15		(Effective 7/1/88)
18.120.020	REMD	412	14	19.40.130	REP 444 15
	(Effective 10/1/87)				(Effective 7/1/88)
18.120.020	REMD	415	16	19.72.030	AMD 202 185
18.120.020	REMD	447	17	19.72.040	AMD 202 186
18.120.020	REMD	512	21	19.86.090	AMD 202 187
18.130	ADD	150	4,5	19.86.110	AMD 152 1
18.130.040	REMD	150	1	19.91.020	AMD 456 28
18.130.040	REMD	412	15		(Effective 1/1/89)
	(Effective 10/1/87)			19.94	ADD 42 2
18.130.040	REMD	415	17	19.118	ADD 344 2-8, 10-12, 14,15
18.130.040	REMD	447	18		
18.130.040	REMD	512	22		(Effective 1/1/88)

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RCW	CH.	SEC.	RCW	CH.	SEC.
19.118.020	REP 344	21	24.03.405	AMD 117	5
	(Effective 1/1/88)		24.06.025	AMD 212	708
19.118.030	REP 344	21	24.06.035	AMD 212	709
	(Effective 1/1/88)		24.06.045	AMD 55	41
19.118.040	REP 344	21	24.06.047	AMD 55	42
	(Effective 1/1/88)		24.32.020	AMD 212	707
19.118.050	AMD 344	13	24.32.070	AMD 212	705
19.118.060	REP 344	21	25.10.010	AMD 55	1
	(Effective 1/1/88)		25.10.020	AMD 55	2
20.01.040	AMD 393	13	25.10.040	AMD 55	3
21.20	ADD 421	3,	25.10.050	AMD 55	4
	(Effective 1/1/88)	5-8	25.10.080	AMD 55	5
			25.10.090	AMD 55	6
21.20.320	AMD 421	9	25.10.100	AMD 55	7
21.20.320	AMD 457	13	25.10.110	AMD 55	8
21.20.705	AMD 421	1	25.10.120	AMD 55	9
	(Effective 1/1/88)		25.10.130	AMD 55	10
21.20.715	AMD 421	2	25.10.140	AMD 55	11
	(Effective 1/1/88)		25.10.150	AMD 55	12
21.20.720	AMD 421	4	25.10.160	AMD 55	13
	(Effective 1/1/88)		25.10.170	AMD 55	14
21.30.010	AMD 243	2	25.10.190	AMD 55	15
21.30.030	AMD 243	3	25.10.200	AMD 55	16
21.30.040	AMD 243	4	25.10.210	AMD 55	17
21.30.190	AMD 243	5	25.10.230	AMD 55	18
21.30.350	AMD 243	6	25.10.240	AMD 55	19
22.09	ADD 393	24	25.10.250	AMD 55	20
22.09	ADD 509	3,	25.10.280	AMD 55	21
		7-20	25.10.290	AMD 55	22
22.09.011	AMD 393	19	25.10.300	AMD 55	23
22.09.040	AMD 393	17	25.10.310	AMD 55	24
22.09.045	AMD 393	18	25.10.330	AMD 55	25
22.09.060	AMD 509	1	25.10.340	AMD 55	26
22.09.090	AMD 509	2	25.10.350	AMD 55	27
22.09.100	AMD 509	4	25.10.370	AMD 55	28
22.09.345	AMD 393	20	25.10.380	AMD 55	29
22.09.371	AMD 393	21	25.10.400	AMD 55	30
22.09.391	AMD 393	22	25.10.420	AMD 55	31
22.09.520	AMD 393	23	25.10.440	AMD 55	32
22.09.570	AMD 509	5	25.10.490	AMD 55	33
22.09.610	AMD 509	6	25.10.510	AMD 55	34
23	ADD 457	1-11	25.10.600	AMD 55	35
23.86.030	AMD 212	706	26	ADD 435	1-3,
23.86.050	AMD 212	704			5-12
23A.04.010	AMD 212	710		(Effective 1/1/88)	
23A.08.025	AMD 212	702	26	ADD 435	4
23A.08.050	AMD 55	36	26	ADD 460	25-31,
23A.08.070	AMD 55	37			35,36,
23A.12.020	AMD 212	701			38-50
23A.32.030	AMD 55	38		(Effective 1/1/88)	
24.03	ADD 117	6	26.04.050	AMD 291	1
24.03.025	AMD 212	703	26.09	ADD 326	26
24.03.045	AMD 55	39	26.09	ADD 430	2
24.03.047	AMD 55	40	26.09	ADD 460	2,3,
24.03.302	AMD 117	3			7-10,
24.03.386	AMD 117	1			13,14,
24.03.388	AMD 117	2			21,23,
24.03.395	AMD 117	4			

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## RCW SECTIONS AFFECTED BY 1987 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.
		24	26.18.130	AMD 435	22
	(Effective 1/1/88)			(Effective 1/1/88)	
26.09.010	AMD 460	1	26.20.040	REP 202	251
	(Effective 1/1/88)		26.21.125	AMD 435	23
26.09.040	AMD 460	4		(Effective 1/1/88)	
	(Effective 1/1/88)		26.21.140	AMD 435	24
26.09.050	AMD 460	5		(Effective 1/1/88)	
	(Effective 1/1/88)		26.21.150	AMD 435	25
26.09.070	AMD 460	6		(Effective 1/1/88)	
	(Effective 1/1/88)		26.21.160	AMD 435	26
26.09.100	AMD 430	3		(Effective 1/1/88)	
26.09.110	AMD 460	11	26.26.130	AMD 460	56
	(Effective 1/1/88)			(Effective 1/1/88)	
26.09.120	AMD 363	5	26.26.132	AMD 435	27
26.09.120	AMD 435	15		(Effective 1/1/88)	
	(Effective 1/1/88)		26.26.150	AMD 435	28
26.09.130	REP 435	36		(Effective 1/1/88)	
	(Effective 1/1/88)		26.28.080	AMD 204	1
26.09.135	AMD 435	16	26.28.080	AMD 250	2
	(Effective 1/1/88)		26.33.080	AMD 170	3
26.09.160	AMD 460	12	26.33.090	AMD 170	4
	(Effective 1/1/88)		26.33.110	AMD 170	5
26.09.170	AMD 430	1	26.33.120	AMD 170	6
26.09.180	REP 460	61	26.33.160	AMD 170	7
	(Effective 1/1/88)		26.33.240	AMD 170	8
26.09.190	REP 460	61	26.33.310	AMD 170	9
	(Effective 1/1/88)		26.44.010	AMD 206	1
26.09.200	REP 460	61	26.44.020	AMD 206	2
	(Effective 1/1/88)		26.44.020	AMD 524	9
26.09.210	AMD 460	15	26.44.030	AMD 206	3
	(Effective 1/1/88)		26.44.030	AMD 512	23
26.09.220	AMD 460	16	26.44.030	AMD 524	10
	(Effective 1/1/88)		26.44.040	AMD 206	4
26.09.230	REP 460	61	26.44.050	AMD 206	5
	(Effective 1/1/88)		26.44.050	AMD 450	7
26.09.240	AMD 460	18	26.44.053	AMD 206	7
	(Effective 1/1/88)		26.44.053	AMD 524	11
26.09.250	REP 460	61	26.44.070	AMD 206	6
	(Effective 1/1/88)		26.44.070	REP 486	16
26.09.255	AMD 460	22	26.44.070	AMD 524	12
	(Effective 1/1/88)		26.50.020	AMD 71	1
26.09.260	AMD 460	19	26.50.060	AMD 460	55
	(Effective 1/1/88)			(Effective 1/1/88)	
26.09.280	AMD 460	20	27.04.030	AMD 330	401
	(Effective 1/1/88)		27.08.010	REP 330	402
26.18.020	AMD 435	17	27.08.045	REP 330	402
	(Effective 1/1/88)		27.12	ADD 138	1
26.18.060	REP 435	36	27.12.340	AMD 456	29
	(Effective 1/1/88)			(Effective 1/1/89)	
26.18.070	AMD 435	18	27.24.090	AMD 202	188
	(Effective 1/1/88)		27.26.020	AMD 504	13
26.18.080	AMD 435	19	27.34.220	AMD 505	8
	(Effective 1/1/88)		27.60.040	AMD 195	1
26.18.100	AMD 435	20	27.60.045	AMD 195	2
	(Effective 1/1/88)		28A	ADD 193	1-3
26.18.110	AMD 435	21	28A	ADD 349	1-5
	(Effective 1/1/88)		28A	ADD 478	1-9

## RCW SECTIONS AFFECTED BY 1987 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
28A	ADD	518	28A.58	ADD	141	2
			28A.58	ADD	489	6
			28A.58	ADD	518	222,302, 303,305
28A.02.325	AMD	2 E1	28A.58	ADD	2 E1	205
		(Effective 9/1/87)			(Effective 9/1/87)	
28A.03	ADD	119	28A.58.090	AMD	505	9
28A.03	ADD	398	28A.58.093	REP	2 E1	211
28A.03	ADD	489			(Effective 9/1/87)	
28A.03.380	REP	518	28A.58.095	REP	2 E1	211
28A.03.425	AMD	197			(Effective 9/1/87)	
28A.03.425	AMD	2 E1	28A.58.131	AMD	141	1
		(Effective 9/1/87)	28A.58.455	AMD	375	1
28A.03.523	AMD	2 E1	28A.58.822	AMD	465	1
		(Effective 9/1/87)	28A.58.842	AMD	2 E1	210
28A.04	ADD	525			(Effective 9/1/87)	
28A.04.120	REMD	39	28A.67	ADD	507	2
28A.04.120	REMD	464	28A.70	ADD	525	203, 212,215
28A.05.010	AMD	232				
28A.16.050	AMD	518	28A.70.005	AMD	486	8
28A.21.086	AMD	508	28A.71	ADD	519	1
28A.21.310	AMD	508	28A.71.210	AMD	525	301
28A.27.100	AMD	202	28B	ADD	97	1-5
28A.27.102	AMD	202	28B	ADD	305	1-9
28A.27.104	AMD	202	28B	ADD	437	1-7
28A.27.120	AMD	202	28B	ADD	525	233
28A.34	ADD	487	28B.04	ADD	230	2
28A.34A.060	AMD	518				214,216
28A.34A.090	AMD	518	28B.04.070	AMD	505	10
28A.34A.902	REP	518	28B.10	ADD	8	1-9
28A.41	ADD	2 E1	28B.10	ADD	147	1-8
		(Effective 9/1/87)	28B.10	ADD	448	1
28A.41	ADD	2 E1	28B.10.567	AMD	185	2
		(Effective 9/1/87)	28B.10.860	REP	8	10
			28B.10.861	REP	8	10
28A.41.130	AMD	2 E1	28B.10.862	REP	8	10
		(Effective 9/1/87)	28B.10.863	REP	8	10
28A.41.140	AMD	2 E1	28B.10.863	AMD	505	11
		(Effective 9/1/87)	28B.10.864	REP	8	10
28A.41.400	REP	478	28B.10.865	REP	8	10
28A.41.402	REP	478	28B.12.050	AMD	330	201
28A.41.404	REP	478	28B.12.060	AMD	330	202
28A.41.406	REP	478	28B.15	ADD	12	1-3
28A.41.408	REP	478	28B.15	ADD	231	5
28A.41.410	REP	478	28B.15	ADD	305	10
28A.41.414	REP	478	28B.15.012	AMD	96	1
28A.41.540	AMD	508	28B.15.012	AMD	137	1
28A.47	ADD	112	28B.15.031	REMD	15	2
28A.47	ADD	413	28B.15.411	AMD	15	1
28A.47.060	AMD	413	28B.15.520	REMD	390	1
28A.47.440	REP	80	28B.15.543	REMD	465	2
28A.47.801	AMD	413	28B.15.545	AMD	231	1
28A.47.803	AMD	413	28B.15.754	AMD	446	1
28A.47.805	AMD	413	28B.15.756	AMD	446	2
28A.57	ADD	307	28B.15.758	AMD	446	3
		(Effective 9/1/87)	28B.16.112	AMD	185	3
28A.57.050	AMD	100	28B.19.050	AMD	505	12
28A.57.060	AMD	100	28B.20.382	AMD	505	13

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RCW	CH.	SEC.	RCW	CH.	SEC.
28B.30.537	AMD	195	3	29.36.013	AMD 346 10
28B.30.537	AMD	505	14		(Effective 1/1/88)
28B.50.070	AMD	505	15	29.36.020	REP 346 24
28B.50.100	AMD	330	1001		(Effective 1/1/88)
28B.50.140	AMD	314	14	29.36.030	AMD 295 9
28B.50.140	AMD	407	1	29.36.030	AMD 346 11
28B.52	ADD	314	5-8, 10,11, 13		(Effective 1/1/88)
				29.36.040	REP 346 24
					(Effective 1/1/88)
28B.52.010	AMD	314	1	29.36.050	AMD 346 13
28B.52.020	AMD	314	2		(Effective 1/1/88)
28B.52.030	AMD	314	3	29.36.060	AMD 346 14
28B.52.035	AMD	314	4		(Effective 1/1/88)
28B.52.060	AMD	314	9	29.36.065	REP 346 24
28B.52.200	AMD	314	12		(Effective 1/1/88)
28B.80	ADD	40	1,2	29.36.070	AMD 346 15
28B.80.430	AMD	330	301		(Effective 1/1/88)
28C	ADD	492	1-3	29.36.075	AMD 346 16
28C.04.470	REP	505	88		(Effective 1/1/88)
28C.04.525	AMD	231	3	29.36.077	REP 346 24
					(Effective 1/1/88)
28C.04.530	AMD	231	2	29.36.095	REP 346 24
28C.04.545	AMD	231	4		(Effective 1/1/88)
28C.04.550	AMD	505	16	29.36.097	AMD 346 17
28C.10	ADD	459	1,2		(Effective 1/1/88)
28C.10.050	AMD	459	3	29.36.100	AMD 346 18
28C.10.060	AMD	459	4		(Effective 1/1/88)
28C.10.080	REP	459	5	29.36.110	REP 346 24
29.01	ADD	346	2-8		(Effective 1/1/88)
				29.36.150	AMD 346 19
					(Effective 1/1/88)
29.04.020	AMD	295	1	29.36.160	AMD 346 20
29.10	ADD	359	1,2		(Effective 1/1/88)
29.10.123	REP	288	5	29.39.010	REP 346 24
29.10.125	AMD	288	1		(Effective 1/1/88)
29.10.127	AMD	288	2	29.39.020	REP 346 24
29.10.130	AMD	288	3		(Effective 1/1/88)
29.10.140	AMD	288	4	29.39.030	REP 346 24
29.18	ADD	133	2		(Effective 1/1/88)
29.18.022	AMD	110	1	29.39.040	REP 346 24
29.18.030	AMD	133	1		(Effective 1/1/88)
29.18.045	AMD	110	2	29.39.050	REP 346 24
29.18.050	AMD	295	2		(Effective 1/1/88)
29.21	ADD	110	3	29.39.060	REP 346 24
29.21.070	AMD	202	193		(Effective 1/1/88)
29.21.120	AMD	202	194	29.39.070	REP 346 24
29.30.060	AMD	295	3		(Effective 1/1/88)
29.30.075	AMD	54	1	29.39.080	REP 346 24
29.30.101	AMD	295	4		(Effective 1/1/88)
29.30.350	AMD	295	5	29.39.090	REP 346 24
29.30.360	REP	54	6		(Effective 1/1/88)
29.30.450	AMD	295	6	29.39.100	REP 346 24
29.33.180	AMD	295	7		(Effective 1/1/88)
29.34.085	AMD	295	8	29.39.110	REP 346 24
29.36	ADD	346	21		(Effective 1/1/88)
					(Effective 1/1/88)
29.36.010	AMD	346	9	29.39.120	REP 346 24
					(Effective 1/1/88)

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RCW	CH.	SEC.	RCW	CH.	SEC.
29.39.130	REP 346	24	31.30.080	AMD 29	1
	(Effective 1/1/88)		34.04.040	AMD 505	17
29.39.140	REP 346	24	34.04.220	AMD 451	1
	(Effective 1/1/88)		34.04.230	AMD 451	2
29.39.150	REP 346	24	34.04.240	AMD 451	3
	(Effective 1/1/88)		34.04.250	AMD 451	4
29.39.160	REP 346	24	34.04.280	AMD 505	18
	(Effective 1/1/88)		34.08.020	AMD 186	8
29.39.170	REP 346	24	35.18.060	AMD 3	5
	(Effective 1/1/88)		35.20.090	AMD 202	195
29.39.180	REP 346	24	35.20.120	AMD 202	196
	(Effective 1/1/88)		35.20.210	AMD 202	197
29.39.190	REP 346	24	35.20.250	AMD 202	198
	(Effective 1/1/88)		35.20.910	AMD 202	199
29.39.200	REP 346	24	35.21	ADD 32	2
	(Effective 1/1/88)		35.21	ADD 267	7
29.39.210	REP 346	24	35.21	ADD 327	3
	(Effective 1/1/88)		35.21	ADD 339	4-6
29.39.900	REP 346	24	35.21.300	AMD 356	1
	(Effective 1/1/88)		35.21.755	AMD 282	1
29.42.020	AMD 295	11	35.22	ADD 436	8
29.42.030	AMD 295	12	35.22	ADD 499	5
29.42.040	AMD 133	3	35.22.620	REMD 120	1
29.42.040	AMD 295	13	35.23.020	AMD 3	6
29.42.050	AMD 295	14	35.23.040	AMD 3	7
29.42.070	AMD 295	15	35.23.190	AMD 3	8
29.45.030	AMD 295	16	35.23.352	REMD 120	2
29.62.020	AMD 54	2	35.23.353	AMD 120	3
29.64.010	AMD 54	3	35.24.020	AMD 3	9
29.64.015	AMD 54	4	35.24.080	AMD 3	10
29.64.020	AMD 54	5	35.24.160	AMD 3	11
29.79.020	AMD 161	1	35.24.220	AMD 400	1
29.80.010	AMD 295	17	35.27.070	AMD 3	12
30.04	ADD 498	1	35.27.240	AMD 3	13
30.04.200	REP 498	3	35.27.300	AMD 400	2
30.04.230	REMD 420	2	35.43	ADD 242	6
30.04.900	AMD 498	2	35.43	ADD 315	1,2
30.08	ADD 420	4	35.43.010	AMD 242	2
30.08.090	AMD 420	3	35.43.190	AMD 242	3
30.12.010	AMD 420	1	35.44	ADD 267	9
30.23.010	REP 420	19	35.44.020	AMD 242	4
30.23.020	REP 420	19	35.51.020	AMD 242	5
30.23.030	REP 420	19	35.51.040	AMD 340	1
30.23.040	REP 420	19	35.58.273	AMD 428	2
30.23.050	REP 420	19	35.61	ADD 138	2
30.23.060	REP 420	19	35.61.180	AMD 203	1
30.23.070	REP 420	19	35.63	ADD 499	6
30.23.080	REP 420	19	35.72.050	AMD 261	1
30.23.900	REP 420	19	35.79	ADD 228	2
30.23.901	REP 420	19	35.79.030	AMD 228	1
31.12.136	AMD 338	1	35.82	ADD 275	1,2
31.12.185	AMD 338	2	35.92.070	REMD 145	1
31.12.195	AMD 338	3	35.97.010	AMD 522	4
31.12.265	AMD 338	4	35.97.020	AMD 522	3
31.12.406	AMD 338	6	35A.12.020	AMD 3	14
31.12.425	AMD 338	7	35A.12.090	AMD 3	15
31.12.695	AMD 338	8	35A.12.160	AMD 400	3
31.30	ADD 420	5-17	35A.13.010	AMD 3	16

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RCW	CH.	SEC.	RCW	CH.	SEC.	
35A.13.080	AMD	3	17	36.93.120	AMD 477 5	
35A.21	ADD	267	8	36.93.130	AMD 477 6	
35A.21.195	AMD	442	1117	36.93.150	AMD 477 7	
35A.40.050	AMD	331	77	36.93.160	AMD 477 8	
35A.40.200	AMD	185	4	36.94	ADD 315 3	
35A.42.010	AMD	331	78	38.40	ADD 26 2	
35A.56.010	AMD	331	79	38.40.030	AMD 185 5	
35A.63	ADD	499	7	38.40.140	REP 456 32	
35A.68.010	AMD	331	80	38.52	ADD 479 3	
35A.70.070	AMD	223	4	38.52.035	REP 505 88	
36	ADD	327	1,2, 4-16	38.52.090	AMD 185 6	
				38.52.180	AMD 185 7	
36.01.060	AMD	202	200	38.52.290	AMD 185 8	
36.18.010	AMD	230	1	39	ADD 19 1-4	
36.18.020	REMD	56	3	39.04.150	AMD 218 1	
36.18.020	REMD	202	201	39.08.090	REP 183 7	
36.18.020	AMD	382	3	39.19	ADD 328 7-13	
36.21	ADD	138	8	39.19.010	AMD 328 1	
36.21.070	AMD	134	1	39.19.010	REP 328 16	
36.21.080	AMD	319	5	39.19.020	AMD 328 2	
36.21.090	AMD	134	2	39.19.020	REP 328 16	
36.23.030	AMD	363	3	39.19.030	AMD 328 3	
36.24.030	AMD	202	202	39.19.030	REP 328 16	
36.24.050	AMD	202	203	39.19.040	REP 328 16	
36.24.160	AMD	202	204	39.19.050	REP 328 16	
36.27.020	AMD	202	205	39.19.060	REP 328 16	
36.32	ADD	267	10	39.19.070	AMD 328 4	
36.32	ADD	436	9	39.19.070	REP 328 16	
36.32	ADD	499	8	39.19.080	AMD 328 5	
36.32.120	AMD	202	206	39.19.080	REP 328 16	
36.36	ADD	381	1,2	39.19.090	AMD 328 6	
36.48.090	AMD	363	4	39.19.090	REP 328 16	
36.49.080	REP	202	251	39.19.900	REP 328 14	
36.53.070	AMD	202	207	39.29	ADD 414 3-5,	
36.53.080	AMD	202	208			8,9
36.53.110	AMD	202	209	39.29.003	AMD 414 1	
36.53.140	AMD	202	210	39.29.006	AMD 414 2	
36.61	ADD	432	9,11	39.29.010	REP 414 11	
36.61.010	AMD	432	1	39.29.020	AMD 414 6	
36.61.020	AMD	432	2	39.29.030	REP 414 11	
36.61.030	AMD	432	3	39.29.040	AMD 414 7	
36.61.040	AMD	432	4	39.29.060	REP 414 11	
36.61.070	AMD	432	5	39.29.070	REP 414 11	
36.61.080	AMD	432	6	39.36	ADD 19 5	
36.61.090	AMD	432	7	39.44.200	AMD 297 12	
36.61.100	AMD	432	8	39.58.085	AMD 505 21	
36.61.160	AMD	432	10	39.84.090	AMD 505 22	
36.69.090	AMD	53	1	39.86	ADD 297 1-10	
36.70	ADD	499	9	39.86.010	REP 297 13	
36.78.070	AMD	505	19	39.86.020	REP 297 13	
36.82.210	AMD	202	211	39.86.030	REP 297 13	
36.88	ADD	267	11	39.86.031	REP 297 13	
36.89	ADD	241	2-4	39.86.040	REP 297 13	
36.89.090	AMD	241	1	39.86.050	REP 297 13	
36.93.070	AMD	477	1	39.86.060	REP 297 13	
36.93.090	AMD	477	2	39.86.070	REP 297 13	
36.93.100	AMD	477	3	39.86.900	REP 297 13	
36.93.110	AMD	477	4	39.86.901	REP 297 13	

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RCW	CH.	SEC.	RCW	CH.	SEC.		
39.86.902	REP	297	13	41.40.403	AMD	417	1
39.86.903	REP	297	13	41.40.450	AMD	136	1
39.86.904	REP	297	13	41.40.690	AMD	379	2
41	ADD	192	5	41.50	ADD	326	1-16,
41	ADD	192	1-4,				27
			6-8	41.50.050	AMD	505	24
	(Effective 7/1/88)			41.50.130	AMD	490	1
41.04	ADD	9	2	41.56	ADD	135	3
41.04	ADD	248	2,3	41.56	ADD	484	1
41.04	ADD	475	1-10	41.56.020	AMD	135	1
41.04.260	AMD	121	1	41.56.030	AMD	135	2
41.04.260	AMD	475	11	41.56.460	AMD	521	2
41.04.270	AMD	192	9	41.56.960	REP	2	EI 211
41.04.310	REP	326	21		(Effective 9/1/87)		
41.04.320	REP	326	21	41.59.935	AMD	2	EI 206
41.04.330	REP	326	21		(Effective 9/1/87)		
41.05	ADD	122	2	41.60	ADD	387	8
41.05.030	AMD	122	1	41.60.010	AMD	387	1
41.05.040	AMD	122	3	41.60.015	AMD	387	2
41.05.050	AMD	122	4	41.60.041	AMD	387	3
41.06	ADD	300	1	41.60.050	AMD	387	4
41.06	ADD	504	7	41.60.100	AMD	387	5
41.06.070	AMD	389	2	41.60.110	AMD	387	6
41.06.163	AMD	185	9	41.60.120	AMD	387	7
41.06.280	AMD	248	4	42.17	ADD	45	15
41.08.050	AMD	339	1	42.17	ADD	403	2,6
41.12.050	AMD	339	2	42.17	ADD	404	3
41.14	ADD	251	2	42.17	ADD	416	7
41.14.010	AMD	251	1	42.17.030	AMD	295	18
41.16.060	AMD	319	2	42.17.060	AMD	268	1
41.24	ADD	326	19	42.17.150	AMD	201	1
41.24.150	AMD	185	10	42.17.170	AMD	423	1
41.26.030	AMD	418	1	42.17.180	AMD	423	2
41.26.046	AMD	418	2	42.17.230	AMD	201	2
41.26.130	AMD	185	11	42.17.240	REMD	295	19
41.26.150	AMD	185	12	42.17.240I	AMD	504	14
41.26.180	AMD	326	22	42.17.260	AMD	403	3
41.26.270	AMD	185	13	42.17.270	AMD	403	4
41.28	ADD	326	20	42.17.310	REMD	107	2
41.32	ADD	265	2	42.17.310	REMD	337	1
41.32	ADD	455	3	42.17.310	REMD	370	16
41.32.010	AMD	265	1	42.17.310	REMD	411	10
41.32.485	AMD	455	1	42.17.340	AMD	403	5
41.32.493I	AMD	455	6	42.18	ADD	426	1-4
41.32.498	AMD	143	1	42.18.160	REP	426	6
41.32.590	AMD	326	23	42.18.220	REP	426	6
41.32.640	REP	202	251	42.18.230	AMD	426	5
41.40	ADD	455	4	42.30.110	AMD	389	3
41.40.120	AMD	379	1	42.44.080	AMD	76	3
41.40.150	AMD	88	1	43	ADD	75	42-47
41.40.150	AMD	384	1	43	ADD	90	1
41.40.165	AMD	146	1	43	ADD	342	1-9
41.40.185	AMD	143	2	43	ADD	380	1-13
41.40.190	AMD	143	3		(Effective 1/1/88)		
41.40.198	AMD	455	2	43	ADD	473	1,2
41.40.223	AMD	118	1	43	ADD	3	EI 1-8
41.40.300	AMD	185	14	43.01.140	REP	505	88
41.40.380	AMD	326	24	43.03.028	AMD	249	7

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RCW	CH.	SEC.	RCW	CH.	SEC.		
43.03.028	AMD	504	15	43.21F.420	AMD	185	15
43.06.400	AMD	472	16	43.21G.040	AMD	505	83
43.09	ADD	120	4	43.22.030	AMD	185	16
43.09.320	REP	165	3	43.22.420	AMD	330	601
43.09.412	AMD	165	1	43.22.475	REP	330	602
43.09.416	AMD	165	2	43.23.200	AMD	393	14
43.10	ADD	1	E1	43.24.086	AMD	467	7
43.10.067	REMD	186	7	43.24.120	AMD	202	212
43.10.067	REMD	364	1	43.27A.020	AMD	109	31
43.10.100	REP	505	88	43.27A.080	AMD	109	32
43.17.010	AMD	506	2	43.27A.190	AMD	109	11
43.17.020	AMD	506	3	43.27A.200	REP	109	159
43.19	ADD	321	1	43.27A.210	REP	109	159
43.19.185	AMD	47	1	43.30.200	REP	505	88
43.19.190	AMD	70	1	43.30.300	AMD	472	13
43.19.190	AMD	414	10	43.30.310	AMD	380	14
43.19.1901	AMD	434	23		(Effective 1/1/88)		
43.19.1905	AMD	504	16	43.31	ADD	348	2,4,5
43.19.1906	AMD	70	2	43.31.025	AMD	348	8
43.19.1906	AMD	81	1	43.31.085	AMD	348	3
43.19.1923	AMD	504	17	43.31.085	REP	348	17
43.19.19362	AMD	505	25	43.31.135	AMD	505	30
43.19.538	AMD	505	26	43.31.385	REP	505	88
43.19.660	AMD	505	27	43.31.800	AMD	195	4
43.19.690	REP	504	21	43.31.810	AMD	195	5
43.20A	ADD	283	10-12, 15	43.31.820	AMD	195	6
43.20A	ADD	304	2-4	43.31.830	AMD	195	7
43.20A.020	AMD	283	1	43.31.833	AMD	195	8
43.20A.055	AMD	75	6	43.31.850	AMD	195	9
43.20A.055	RECD	75	49	43.31.960	AMD	195	10
43.20A.140	AMD	109	25	43.33A.080	AMD	29	2
43.20A.435	RECD	75	49	43.43	ADD	173	2
43.20A.435	AMD	283	2	43.43	ADD	450	1,4
43.20A.630	REP	223	9	43.43	ADD	486	1-6
43.20A.670	RECD	75	49	43.43.040	AMD	185	17
43.21.100	REP	109	159	43.43.130	AMD	215	1
43.21.110	AMD	109	26	43.43.275	AMD	173	1
43.21.120	REP	109	159	43.43.280	AMD	215	2
43.21.140	AMD	109	27	43.43.310	AMD	63	1
43.21.150	REP	109	159	43.43.310	AMD	326	25
43.21.160	AMD	109	28	43.43.700	AMD	486	9
43.21.190	AMD	109	29	43.43.705	AMD	486	10
43.21A	ADD	67	1	43.43.710	AMD	486	11
43.21A	ADD	481	1,2	43.43.735	AMD	450	2
43.21A	ADD	517	2	43.43.735	AMD	486	12
43.21A.130	AMD	505	28	43.43.740	AMD	450	3
43.21B	ADD	109	4-8	43.43.740	AMD	486	13
43.21B.110	AMD	109	10	43.43.755	REP	450	9
43.21B.120	REP	109	159	43.43.858	AMD	65	1
43.21B.140	AMD	109	30	43.43.860	AMD	65	2
43.21B.200	REP	109	159	43.51	ADD	225	2
43.21B.220	REP	109	159	43.51	ADD	427	1,3,4
43.21B.240	AMD	109	9	43.51	ADD	466	3
43.21F.025	AMD	330	501	43.51.050	AMD	225	1
43.21F.045	AMD	505	29	43.51.060	AMD	225	3
43.21F.065	AMD	330	502	43.51.180	AMD	380	15
43.21F.085	REP	330	503		(Effective 1/1/88)		
				43.51.270	AMD	466	1

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RCW	CH.	SEC.	RCW	CH.	SEC.		
43.51.280	REMD	466	2	43.88.160	AMD	436	1
43.51.340	AMD	330	1101	43.88.160	AMD	505	36
43.51.407	AMD	438	39	43.88.260	AMD	502	7
43.51.675	AMD	506	92	43.88.510	AMD	505	37
43.51.955	AMD	506	93	43.96B.010	DECD	195	17
43.52	ADD	376	1-7	43.96B.020	DECD	195	17
43.52.250	AMD	376	8	43.96B.030	DECD	195	17
43.52.260	AMD	376	9	43.96B.060	DECD	195	17
43.52.3411	AMD	376	10	43.96B.070	DECD	195	17
43.52.360	AMD	376	11	43.96B.080	DECD	195	17
43.52.378	AMD	505	84	43.96B.090	DECD	195	17
43.52.379	REP	505	87	43.96B.100	DECD	195	17
43.52.490	REP	376	14	43.96B.110	DECD	195	17
43.52.495	REP	376	14	43.96B.120	DECD	195	17
43.52.500	REP	376	14	43.96B.140	DECD	195	17
43.52.505	REP	376	14	43.96B.150	DECD	195	17
43.52.510	REP	376	14	43.96C.010	DECD	195	17
43.52.600	REP	376	14	43.96C.020	DECD	195	17
43.52.603	REP	376	14	43.96C.030	DECD	195	17
43.52.606	REP	376	14	43.96C.040	DECD	195	17
43.52.609	REP	376	14	43.96C.050	DECD	195	17
43.52.615	REP	376	14	43.96C.060	DECD	195	17
43.52.618	REP	376	14	43.97	ADD	499	1-4
43.52.621	REP	376	14	43.97.005	REP	499	11
43.56.030	REP	505	88	43.97.010	REP	499	11
43.59.130	AMD	505	31	43.97.020	REP	499	11
43.60A.080	AMD	59	1	43.97.030	REP	499	11
43.63A	ADD	308	2-4	43.97.040	REP	499	11
43.63A	ADD	457	15	43.97.060	REP	499	11
43.63A	ADD	489	4	43.97.070	REP	499	11
43.63A.060	AMD	505	32	43.97.080	REP	499	11
43.63A.078	AMD	505	33	43.97.090	REP	499	11
43.63A.090	DECD	195	17	43.97.900	REP	499	11
43.63A.220	AMD	505	34	43.97A.010	REP	499	11
43.63A.253	AMD	16	2	43.97A.020	REP	499	11
43.63A.255	AMD	16	3	43.97A.030	REP	499	11
43.63A.256	AMD	16	4	43.97A.040	REP	499	11
43.78.030	AMD	72	1	43.97A.050	REP	499	11
43.79	ADD	350	2	43.99.115	AMD	425	1
	(Effective 7/1/89)			43.99B.010	AMD	3	E1 11
43.83.020	AMD	3	E1 9	43.99F.020	AMD	436	2
43.83B	ADD	343	8,9	43.99F.040	AMD	436	3
43.83B.210	AMD	343	4	43.99F.050	AMD	436	4
43.83B.300	AMD	343	1	43.105	ADD	504	6, 8,9
43.83B.310	AMD	343	2				
43.83B.320	AMD	343	3	43.105.010	REP	504	21
43.83B.320	AMD	523	11	43.105.014	REP	504	21
43.83B.335	AMD	109	157	43.105.016	REP	504	21
43.83B.335	RECD	109	158	43.105.020	AMD	504	3
43.831.160	AMD	3	E1 10	43.105.032	AMD	504	4
43.88.020	AMD	502	1	43.105.041	AMD	504	5
43.88.030	REMD	502	2	43.105.043	REP	504	21
43.88.037	AMD	502	3	43.105.045	REP	504	21
43.88.040	REP	502	11	43.105.050	REP	504	21
43.88.050	AMD	502	4	43.105.060	AMD	504	10
43.88.090	AMD	505	35	43.105.080	AMD	504	11
43.88.110	AMD	502	5	43.105.100	REP	389	6
43.88.120	AMD	502	6	43.105.110	AMD	389	4

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RCW	CH.	SEC.	RCW	CH.	SEC.		
43.105.110	RECD	389	7	43.160.060	AMD	422	5
43.105.120	REP	389	6	43.160.073	REP	422	11
43.105.130	AMD	504	12	43.160.080	AMD	422	6
43.105.130	RECD	389	7	43.160.090	AMD	505	42
43.105.140	RECD	389	7	43.160.110	REP	422	11
43.105.150	RECD	389	7	43.160.115	AMD	195	12
43.115.010	AMD	249	1	43.160.115	AMD	422	7
43.115.010	REP	249	9	43.160.140	AMD	422	8
43.115.020	AMD	249	2	43.160.180	AMD	422	9
43.115.020	REP	249	9	43.160.900	AMD	422	10
43.115.030	AMD	249	3	43.165.010	AMD	461	1
43.115.030	REP	249	9	43.165.030	AMD	195	13
43.115.040	AMD	249	4	43.165.080	AMD	195	14
43.115.040	REP	249	9	43.165.110	REP	505	88
43.115.050	AMD	249	5	43.168	ADD	461	6,7
43.115.050	REP	249	9	43.168.020	AMD	461	2
43.115.060	AMD	249	6	43.168.040	AMD	461	3
43.115.060	REP	249	9	43.168.050	AMD	461	4
43.115.900	REP	249	9	43.168.070	AMD	461	5
43.121	ADD	351	2	43.168.080	REP	505	88
43.121.020	AMD	351	3	43.170.050	REP	505	88
43.121.050	AMD	351	4	43.175.010	AMD	348	6
43.121.090	AMD	505	38	43.175.010	REP	348	19
43.121.100	AMD	351	5	43.175.020	AMD	348	7
43.131	ADD	160	2,3	43.175.020	REP	348	19
43.131	ADD	249	8,9	43.175.900	REP	348	20
43.131	ADD	328	15,16	43.175.901	REP	348	19
43.131	ADD	342	10	43.185	ADD	513	3
43.131	ADD	348	17,19		(Effective 1/1/88)		
	(Effective 6/30/93)			43.185.030	AMD	513	6
43.131	ADD	348	16,18		(Effective 1/1/88)		
43.131	ADD	412	18,19	43.185.100	AMD	513	2
	(Effective 10/1/87)				(Effective 1/1/88)		
43.131	ADD	447	21,22	43.190.060	AMD	158	3
43.131	ADD	504	22,24	43.190.100	REP	505	88
43.131	ADD	512	25,26	43.200.142	AMD	505	85
43.131	ADD	5	E1 24,25	43.210.040	AMD	505	43
43.131.187	REP	331	90	43.220.030	AMD	367	1
43.131.188	REP	331	90	43.220.040	AMD	367	2
43.131.255	REP	387	10	43.220.060	AMD	505	44
43.131.289	REP	389	6	43.220.190	AMD	367	3
43.131.290	REP	389	6	43.220.210	AMD	367	4
43.131.293	REP	447	24	43.220.900	AMD	367	5
43.131.294	REP	447	24	43.240.030	AMD	195	15
43.131.295	REP	160	1	44	ADD	298	6-8
43.131.296	REP	160	1	44.07B.870	AMD	13	1
43.131.297	REP	467	8	44.07B.870	RECD	13	2
43.131.298	REP	467	8	44.28.100	AMD	505	45
43.131.308	REP	322	5	44.44	ADD	25	4,5
43.150.060	AMD	505	39	44.44.010	AMD	25	1
43.155	ADD	19	6	44.44.020	REP	25	6
43.155.070	AMD	505	40	44.44.030	AMD	25	2
43.155.080	AMD	505	41	44.44.040	AMD	25	3
43.160.010	AMD	422	1	44.48.100	AMD	505	46
43.160.030	REMD	195	11	45.28.080	REP	202	251
43.160.030	REMD	422	2	45.28.090	REP	202	251
43.160.035	AMD	422	3	46.01	ADD	302	3
43.160.050	AMD	422	4	46.01.140	AMD	302	1

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RCW	CH.	SEC.	RCW	CH.	SEC.
46.01.230	AMD	302	2	46.37.194	AMD 330 711
46.04.040	AMD	330	701	46.37.210	AMD 330 712
46.04.304	AMD	330	702	46.37.280	AMD 330 713
46.04.710	AMD	330	703	46.37.290	AMD 330 714
46.08.170	AMD	202	213	46.37.300	AMD 330 715
46.10.220	REMD	330	1201	46.37.310	AMD 330 716
46.12.020	AMD	244	1	46.37.320	AMD 330 717
	(Effective 1/1/90)			46.37.330	AMD 330 718
46.12.020	AMD	388	9	46.37.365	AMD 330 719
	(Effective 1/1/90)			46.37.380	AMD 330 720
46.12.101	AMD	127	1	46.37.420	AMD 330 721
46.12.240	AMD	388	8	46.37.425	AMD 330 722
	(Effective 7/1/88)			46.37.430	AMD 330 723
46.12.380	AMD	299	1	46.37.440	AMD 330 724
46.16	ADD	44	1	46.37.450	AMD 226 1
46.16	ADD	142	2	46.37.450	AMD 330 725
46.16	ADD	175	2	46.37.470	AMD 330 726
	(Effective 1/1/88)			46.37.480	AMD 176 1
46.16	ADD	237	1	46.37.490	AMD 330 727
46.16	ADD	388	10	46.37.505	AMD 330 728
46.16	ADD	388	2-7	46.37.510	AMD 330 729
	(Effective 7/1/88)			46.37.520	AMD 330 730
46.16.028	AMD	142	1	46.37.529	AMD 330 731
46.16.040	AMD	244	2	46.37.530	AMD 330 732
46.16.060	AMD	9 E1	3	46.37.530	AMD 454 1
46.16.070	AMD	244	3	46.37.535	AMD 330 733
46.16.070	AMD	9 E1	4	46.37.610	AMD 330 734
46.16.085	AMD	244	4	46.38.020	AMD 330 735
46.16.111	AMD	244	5	46.38.030	AMD 330 736
46.16.160	AMD	244	6	46.38.040	AMD 330 737
46.16.237	AMD	52	1	46.38.060	AMD 330 738
46.16.240	AMD	142	3	46.48	ADD 86 1
46.16.240	AMD	330	704	46.52.030	AMD 463 2
46.16.270	REMD	178	2	46.52.100	AMD 3 18
46.16.280	AMD	244	7	46.52.130	AMD 181 1
46.16.650	REMD	178	1	46.52.130	AMD 397 2
46.20	ADD	247	1-5	46.52.130	AMD 9 E1 2
46.20	ADD	463	3	46.52.170	REP 311 21
46.20.011	REP	463	4	46.52.180	REP 311 21
46.20.102	REP	463	4	46.52.190	AMD 202 215
46.20.104	REP	463	4	46.52.190	REP 311 21
46.20.113	AMD	331	81	46.52.200	REP 311 21
46.20.308	REMD	22	1	46.55	ADD 311 6,10
46.20.342	AMD	388	1	46.55.010	AMD 311 1
	(Effective 7/1/88)			46.55.010	AMD 330 739
46.20.505	AMD	454	2	46.55.030	AMD 311 2
46.20.520	AMD	454	3	46.55.050	AMD 330 740
46.23.030	AMD	505	47	46.55.060	AMD 311 3
46.29.050	AMD	9 E1	1	46.55.070	AMD 311 4
46.29.060	AMD	463	1	46.55.080	AMD 311 5
46.29.110	AMD	378	1	46.55.090	AMD 311 7
46.29.430	AMD	371	1	46.55.100	AMD 311 8
46.32.060	AMD	330	705	46.55.110	AMD 311 9
46.37.005	AMD	330	706	46.55.120	AMD 311 12
46.37.010	AMD	330	707	46.55.130	AMD 311 13
46.37.160	AMD	330	708	46.55.140	AMD 311 14
46.37.185	AMD	330	709	46.55.150	AMD 311 15
46.37.190	AMD	330	710	46.55.170	AMD 330 741

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RCW	CH.	SEC.	RCW	CH.	SEC.
46.55.180	AMD	330	46.85.180	REP	244
46.55.210	AMD	311		(Effective 1/1/88)	
46.55.220	AMD	311	46.85.190	REP	244
46.55.230	AMD	311		(Effective 1/1/88)	58
46.55.240	AMD	311	46.85.200	REP	244
46.61.266	AMD	11		(Effective 1/1/88)	58
46.61.405	AMD	397	46.85.210	REP	244
46.61.410	AMD	397		(Effective 1/1/88)	58
46.61.502	AMD	373	46.85.220	REP	244
46.61.504	AMD	373		(Effective 1/1/88)	58
46.61.506	AMD	373	46.85.270	REP	244
46.61.517	AMD	373		(Effective 1/1/88)	58
46.61.562	REP	311	46.85.280	REP	244
46.61.563	AMD	330		(Effective 1/1/88)	58
46.61.564	REP	311	46.85.290	REP	244
46.61.565	REP	311		(Effective 1/1/88)	58
46.61.567	AMD	330	46.85.300	REP	244
46.61.687	AMD	330		(Effective 1/1/88)	58
46.61.780	AMD	330	46.85.310	REP	244
46.63.020	AMD	181		(Effective 1/1/88)	58
46.63.020	AMD	244	46.85.320	REP	244
	(Effective 1/1/88)	55		(Effective 1/1/88)	58
46.63.020	AMD	247	46.85.330	REP	244
46.63.020	AMD	388		(Effective 1/1/88)	58
46.63.030	AMD	66	46.85.340	REP	244
46.64	ADD	345		(Effective 1/1/88)	58
46.64.015	AMD	345	46.85.350	REP	244
46.64.020	AMD	345		(Effective 1/1/88)	58
46.68.110	AMD	10 E1	46.85.360	REP	244
46.68.115	AMD	234		(Effective 1/1/88)	58
46.68.120	AMD	10 E1	46.85.370	REP	244
46.79.020	AMD	62		(Effective 1/1/88)	58
46.85.010	AMD	244	46.85.380	REP	244
46.85.020	AMD	244		(Effective 1/1/88)	58
	(Effective 1/1/88)	9	46.85.390	REP	244
46.85.030	AMD	244		(Effective 1/1/88)	58
	(Effective 1/1/88)	10	46.87	ADD	244
46.85.050	AMD	244			17, 25-54
46.85.060	AMD	142		(Effective 1/1/88)	
46.85.090	AMD	244	46.87.010	AMD	244
46.85.100	AMD	244		(Effective 1/1/88)	15
46.85.120	REP	244	46.87.020	AMD	244
	(Effective 1/1/88)	58		(Effective 1/1/88)	16
46.85.125	REP	244	46.87.030	AMD	244
	(Effective 1/1/88)	58		(Effective 1/1/88)	18
46.85.130	AMD	244	46.87.040	AMD	244
46.85.130	REP	244		(Effective 1/1/88)	19
	(Effective 1/1/88)	58	46.87.050	AMD	244
46.85.140	REP	244		(Effective 1/1/88)	20
	(Effective 1/1/88)	58	46.87.060	AMD	244
46.85.145	REP	244		(Effective 1/1/88)	21
	(Effective 1/1/88)	58	46.87.070	AMD	244
46.85.150	REP	244		(Effective 1/1/88)	22
	(Effective 1/1/88)	58	46.87.080	AMD	244
46.85.160	REP	244		(Effective 1/1/88)	23
	(Effective 1/1/88)	58	46.87.090	AMD	244
46.85.170	REP	244		(Effective 1/1/88)	24
	(Effective 1/1/88)	58	46.90.300	AMD	30
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RCW	CH.	SEC.	RCW	CH.	SEC.	
46.90.463	AMD	30	47.64.270	AMD	78	2
47	ADD	267	47.68.230	AMD	220	1
47	ADD	428	47.68.233	AMD	220	2
47.01.061	AMD	364	47.68.240	AMD	202	216
47.01.101	AMD	179	47.68.250	AMD	220	3
47.01.101	AMD	505	48	ADD	99	1-7
47.01.141	AMD	505	48	ADD	306	1-14
47.05.021	AMD	505	48	ADD	366	1-41
47.05.030	AMD	179	48	ADD	431	1-22
47.05.035	AMD	179	48.01	ADD	51	1
47.05.040	AMD	179	48.02.170	AMD	505	53
47.05.051	AMD	179	48.02.190	AMD	505	54
47.17	ADD	199	48.05	ADD	132	1
47.17.005	AMD	199	48.11.070	AMD	185	18
47.17.035	AMD	199	48.12.110	AMD	185	19
47.17.045	AMD	199	48.12.120	AMD	185	20
47.17.050	AMD	199	48.12.130	AMD	185	21
47.17.065	AMD	199	48.12.140	AMD	185	22
47.17.075	AMD	199	48.14	ADD	431	23
47.17.090	AMD	199	48.15.160	AMD	185	23
47.17.095	AMD	199	48.18	ADD	14	1
47.17.155	AMD	199	48.19	ADD	310	1
47.17.165	AMD	199	48.19	ADD	320	1
47.17.180	AMD	199		(Effective 1/1/88)		
47.17.285	AMD	199	48.19.010	AMD	185	24
47.17.290	REP	199	48.19.460	AMD	377	1
47.17.310	AMD	520	48.20	ADD	37	1
47.17.320	AMD	199	48.20.002	AMD	185	25
47.17.365	AMD	199	48.20.202	AMD	185	26
47.17.385	AMD	199	48.20.212	AMD	185	27
47.17.395	AMD	199	48.20.222	AMD	185	28
47.17.405	AMD	199	48.21	ADD	37	2
47.17.435	AMD	199	48.21	ADD	458	15
47.17.460	AMD	199		(Effective 1/1/88)		
47.17.480	AMD	199	48.21.160	AMD	458	13
47.17.545	AMD	199		(Effective 1/1/88)		
47.17.567	AMD	199	48.21.170	REP	458	20
47.17.610	AMD	199		(Effective 1/1/88)		
47.17.630	AMD	199	48.21.180	AMD	458	14
47.24.020	AMD	68		(Effective 1/1/88)		
47.26.160	AMD	505	48.21.240	AMD	283	3
47.26.190	AMD	360	48.22	ADD	240	1
47.26.450	AMD	360		(Effective 1/1/88)		
47.32.160	AMD	227	48.31.250	REP	505	88
47.36	ADD	469	48.32.020	AMD	185	29
47.36.250	AMD	330	48.32.100	AMD	185	30
47.42.020	AMD	469	48.34.060	AMD	130	1
47.42.046	AMD	469	48.36.010	REP	366	44
47.52	ADD	200		(Effective 1/1/88)		
47.52.120	AMD	330	48.36.020	REP	366	44
47.52.131	AMD	200		(Effective 1/1/88)		
47.52.133	AMD	200	48.36.030	REP	366	44
47.56	ADD	510		(Effective 1/1/88)		
47.56.720	AMD	368	48.36.040	REP	366	44
47.60	ADD	183		(Effective 1/1/88)		
47.60.140	AMD	69	48.36.050	REP	366	44
47.60.470	AMD	505		(Effective 1/1/88)		
47.60.650	REP	183				

**RCW SECTIONS AFFECTED BY 1987 STATUTES**

RCW	CH.	SEC.	RCW	CH.	SEC.
48.36.060	REP 366	44	48.36.370	REP 366	44
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.070	REP 366	44	48.36.380	REP 366	44
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.080	REP 366	44	48.36.390	REP 366	44
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.090	REP 366	44	48.36.400	REP 366	44
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.100	REP 366	44	48.36.410	REP 366	44
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.120	REP 366	44	48.36.420	REP 366	44
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.130	REP 366	44	48.36.430	REP 366	44
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.140	REP 366	44	48.36.440	REP 366	44
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.150	REP 366	44	48.42.070	AMD 150	79
	(Effective 1/1/88)		48.44	ADD 37	3
48.36.160	REP 366	44	48.44	ADD 458	17
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.170	REP 366	44	48.44.240	AMD 458	16
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.180	REP 366	44	48.44.340	AMD 283	4
	(Effective 1/1/88)		48.46	ADD 37	4
48.36.190	REP 366	44	48.46	ADD 458	19
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.200	REP 366	44	48.46.120	AMD 83	1
	(Effective 1/1/88)		48.46.290	AMD 283	5
48.36.210	REP 366	44	48.46.350	AMD 458	18
	(Effective 1/1/88)			(Effective 1/1/88)	
48.36.220	REP 366	44	48.58.010	AMD 128	1
	(Effective 1/1/88)		49.26.130	AMD 219	1
48.36.230	REP 366	44	49.26.140	AMD 219	2
	(Effective 1/1/88)		49.28	ADD 296	1
48.36.240	REP 366	44	49.40.070	AMD 202	217
	(Effective 1/1/88)		49.48.040	AMD 172	1
48.36.250	REP 366	44	49.60	ADD 56	2
	(Effective 1/1/88)		49.60.100	AMD 505	55
48.36.260	REP 366	44	49.70	ADD 365	1
	(Effective 1/1/88)		49.70.120	AMD 24	1
48.36.270	REP 366	44	50.04.020	AMD 278	1
	(Effective 1/1/88)		50.04.030	AMD 256	1
48.36.280	REP 366	44	50.04.030	AMD 278	2
	(Effective 1/1/88)		50.06.030	AMD 278	3
48.36.290	REP 366	44	50.12	ADD 284	5
	(Effective 1/1/88)		50.12	ADD 369	2,3
48.36.300	REP 366	44	50.12.210	AMD 76	1
	(Effective 1/1/88)		50.12.220	AMD 111	2
48.36.310	REP 366	44	50.16.010	AMD 202	218
	(Effective 1/1/88)		50.20	ADD 5	E1 16
48.36.320	REP 366	44	50.20.090	AMD 2	1
	(Effective 1/1/88)		50.24.014	AMD 171	4
48.36.330	REP 366	44	50.24.040	AMD 111	3
	(Effective 1/1/88)		50.24.070	AMD 111	4
48.36.340	REP 366	44	50.24.110	AMD 111	5
	(Effective 1/1/88)		50.29.010	AMD 213	2
48.36.350	REP 366	44	50.29.020	REMD 2	2
	(Effective 1/1/88)		50.29.020	REMD 213	3

**RCW SECTIONS AFFECTED BY 1987 STATUTES**

RCW	CH.	SEC.	RCW	CH.	SEC.			
50.29.022	REP	213	1	52.18.050	AMD	325	5	
50.29.025	AMD	171	3	52.18.060	AMD	325	6	
50.32.020	AMD	61	1	52.18.070	AMD	325	7	
50.32.030	AMD	61	2	52.18.080	AMD	325	8	
50.32.030	AMD	111	6	53.08.170	AMD	50	1	
50.32.040	AMD	61	3	53.40	ADD	289	1	
50.32.050	AMD	61	4	53.40.020	AMD	289	2	
50.32.070	AMD	61	5	54.04	ADD	292	3	
50.62	ADD	284	4	54.04.035	AMD	292	2	
50.62.010	AMD	171	1	54.12.010	AMD	292	1	
50.62.010	AMD	284	1	54.16	ADD	18	1,2	
50.62.020	AMD	284	2	54.16	ADD	315	4	
50.62.030	AMD	171	2	56.04.030	AMD	33	1	
50.62.030	AMD	284	3	56.04.050	AMD	33	2	
50.63.100	REP	505	88	56.08	ADD	309	3	
50.65	ADD	167	10-12	56.08.010	REMD	449	1	
50.65.010	AMD	167	1	56.08.070	AMD	309	1	
50.65.020	AMD	167	2	56.08.075	AMD	449	2	
50.65.030	AMD	167	3	56.12	ADD	449	3,4	
50.65.040	AMD	167	4	56.16.020	AMD	449	5	
50.65.050	AMD	167	5	56.20	ADD	315	5	
50.65.060	AMD	167	6	56.20	ADD	449	7	
50.65.110	AMD	167	7	56.20.010	AMD	169	1	
50.65.130	AMD	167	8	56.24	ADD	449	8	
50.65.900	AMD	167	9	56.32	ADD	449	9	
51.04.040	AMD	316	1	57.04.030	AMD	33	3	
51.08.180	AMD	175	3	57.04.050	AMD	33	4	
51.12.020	AMD	316	2	57.08	ADD	309	4	
51.12.130	AMD	185	31	57.08.010	AMD	449	10	
51.16.050	REP	210	1	57.08.050	AMD	309	2	
51.16.190	AMD	111	7	57.08.060	AMD	449	11	
51.24	ADD	212	1801	57.12	ADD	449	12,13	
51.24.030	AMD	212	1701	57.16	ADD	315	6	
51.24.060	AMD	442	1118	57.16	ADD	449	16	
51.28	ADD	5	E1	17	57.16.030	AMD	449	14
51.28.025	AMD	185	32	57.16.050	AMD	169	2	
51.32	ADD	290	1	57.24	ADD	449	17	
51.32	ADD	515	1,2	57.32	ADD	449	18	
51.32.025	AMD	185	33	58.11.010	REP	354	8	
51.32.040	AMD	75	7	58.11.020	REP	354	8	
51.32.072	AMD	185	34	58.11.030	REP	354	8	
51.32.097	REP	505	89	58.11.040	REP	354	8	
		(Effective 6/30/90)		58.11.050	REP	354	8	
51.36	ADD	316	4	58.12.010	REP	354	8	
51.36.080	AMD	470	1	58.12.020	REP	354	8	
51.48.020	AMD	221	1	58.12.030	REP	354	8	
51.48.131	AMD	316	3	58.12.040	REP	354	8	
51.48.150	AMD	442	1119	58.12.050	REP	354	8	
51.48.210	AMD	111	8	58.12.060	REP	354	8	
51.48.270	AMD	470	2	58.12.065	AMD	202	219	
51.52.050	AMD	151	1	58.12.065	REP	354	8	
52.04	ADD	138	3	58.12.070	REP	354	8	
52.12.101	AMD	21	1	58.12.080	REP	354	8	
52.18	ADD	325	9	58.17	ADD	104	2	
52.18.010	AMD	325	1	58.17	ADD	354	2-4,	
52.18.020	AMD	325	2				6,7	
52.18.030	AMD	325	3	58.17.040	AMD	108	1	
52.18.040	AMD	325	4	58.17.040	AMD	354	1	

## RCW SECTIONS AFFECTED BY 1987 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
58.17.060	AMD	92	1	64.36.903	REP	370	17
58.17.060	AMD	354	5	66.04.010	AMD	386	3
58.24.010	AMD	466	4	66.08	ADD	452	12
58.24.020	AMD	466	5	66.08.024	AMD	74	1
58.24.030	AMD	466	6	66.08.028	AMD	505	56
58.24.040	AMD	466	7	66.08.180	AMD	458	10
58.24.060	AMD	466	8	66.12	ADD	452	13,14
58.24.070	AMD	466	9	66.16	ADD	386	5
59	ADD	482	1,2,4	66.20.200	AMD	101	4
			35	66.24	ADD	386	1,2
59.18.100	AMD	185	1	66.24.010	AMD	217	1
59.20.070	AMD	253	1	66.24.210	AMD	452	11
60.13.010	AMD	148	1	66.24.320	AMD	458	11
60.13.020	AMD	148	2	66.24.330	AMD	458	12
60.13.040	AMD	148	3	66.24.360	AMD	46	1
60.13.040	AMD	189	7	66.24.370	AMD	386	4
60.13.050	AMD	148	4	66.24.400	AMD	196	1
60.13.060	AMD	148	5	66.24.490	AMD	386	6
60.44.010	AMD	185	36	66.28.040	AMD	452	15
60.56	ADD	233	2,3	66.28.070	AMD	205	1
60.56.010	AMD	233	1	66.32.020	AMD	202	220
60.56.020	REP	233	5	66.32.050	AMD	202	221
60.56.030	REP	233	5	66.32.070	AMD	202	222
60.56.040	REP	233	5	66.32.090	AMD	202	223
60.56.050	AMD	233	4	66.44	ADD	101	3
61.24.010	AMD	352	1	66.44	ADD	452	17
61.24.030	AMD	352	2	66.44.010	AMD	202	224
61.24.040	AMD	352	3	66.44.180	AMD	202	225
61.24.090	AMD	352	4	66.44.270	AMD	458	3
61.24.130	AMD	352	5	66.44.291	AMD	101	1
62A.7-209	AMD	395	1	66.44.325	AMD	101	2
62A.9-302	AMD	189	1	67	ADD	518	401-407
62A.9-307	AMD	393	15	67.12	ADD	250	1
62A.9-403	AMD	189	2	67.12.010	REP	250	3
62A.9-405	AMD	189	3	67.12.020	REP	250	3
62A.9-406	AMD	189	4	67.12.030	REP	250	3
62A.9-407	AMD	189	5	67.12.040	REP	250	3
62A.9-409	AMD	189	6	67.12.050	REP	250	3
63.14.130	AMD	318	1	67.12.060	REP	250	3
	(Effective 1/1/88)			67.12.070	REP	250	3
63.32	ADD	182	1	67.12.075	REP	250	3
63.40	ADD	182	2	67.12.080	REP	250	3
64.04	ADD	341	4	67.12.090	REP	250	3
64.04.130	AMD	341	1	67.12.100	REP	250	3
64.08	ADD	76	2	67.14.120	AMD	202	226
64.32.010	AMD	383	1	67.16	ADD	347	1,5-8
64.32.100	AMD	383	2				
64.36	ADD	370	2,4-8,13,14	67.16	ADD	453	3
				67.16.012	AMD	453	2
64.36.010	AMD	370	1	67.16.105	AMD	347	4
64.36.050	AMD	370	3	67.16.170	AMD	347	2
64.36.080	REP	370	17	67.16.175	AMD	347	3
64.36.080	REP	370	17	67.16.175	AMD	453	1
64.36.090	AMD	370	9	67.28	ADD	483	2
64.36.100	AMD	370	10	67.28	ADD	8	E1 7
64.36.290	AMD	370	11	67.28.180	AMD	483	1
64.36.310	AMD	370	12	67.28.200	AMD	483	3
64.36.902	REP	370	17	67.34	ADD	526	1,2

"E1" Denotes 1st ex. sess.

## RCW SECTIONS AFFECTED BY 1987 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
67.34.010	REP	526	5	68.08	ADD	263	1
67.34.020	REP	526	5	68.08.010	RECD	331	89
67.34.900	REP	526	5	68.08.020	AMD	331	55
67.34.905	REP	526	5	68.08.020	RECD	331	89
67.40	ADD	8	E1 8,11	68.08.030	RECD	331	89
67.40.020	AMD	8	E1 2	68.08.040	RECD	331	89
67.40.025	AMD	8	E1 3	68.08.050	RECD	331	89
67.40.030	AMD	3	E1 12	68.08.060	RECD	331	89
67.40.040	AMD	8	E1 4	68.08.070	RECD	331	89
67.40.060	AMD	8	E1 5	68.08.080	RECD	331	89
67.40.090	AMD	8	E1 6	68.08.090	AMD	331	56
67.70.010	AMD	511	1	68.08.090	RECD	331	89
67.70.020	REP	511	17	68.08.100	RECD	331	89
67.70.040	AMD	511	2	68.08.101	AMD	331	57
67.70.050	AMD	505	57	68.08.101	RECD	331	89
67.70.050	AMD	511	3	68.08.102	RECD	331	89
67.70.055	AMD	511	4	68.08.103	RECD	331	89
67.70.120	AMD	511	6	68.08.104	RECD	331	89
67.70.180	AMD	511	7	68.08.105	AMD	331	58
67.70.190	AMD	511	8	68.08.105	RECD	331	89
67.70.200	AMD	511	9	68.08.106	AMD	331	59
67.70.240	AMD	513	7	68.08.106	RECD	331	89
		(Effective 1/1/88)		68.08.107	RECD	331	89
67.70.250	AMD	511	11	68.08.108	RECD	331	89
67.70.300	AMD	511	13	68.08.110	AMD	331	60
67.70.320	AMD	511	14	68.08.110	RECD	331	89
67.70.330	AMD	511	15	68.08.120	RECD	331	89
67.70.900	AMD	511	16	68.08.130	RECD	331	89
68.04.110	AMD	331	1	68.08.135	RECD	331	89
68.05	ADD	331	2,3, 10,15, 20,32	68.08.140	RECD	331	89
				68.08.145	RECD	331	89
68.05.030	AMD	331	4	68.08.150	RECD	331	89
68.05.040	AMD	331	5	68.08.160	RECD	331	89
68.05.070	AMD	331	8	68.08.165	RECD	331	89
68.05.070	RECD	331	89	68.08.170	RECD	331	89
68.05.080	AMD	331	6	68.08.180	RECD	331	89
68.05.090	AMD	331	7	68.08.185	AMD	331	61
68.05.100	AMD	331	9	68.08.185	RECD	331	89
68.05.110	REP	331	90	68.08.190	RECD	331	89
68.05.130	AMD	331	21	68.08.200	RECD	331	89
68.05.130	RECD	331	89	68.08.210	RECD	331	89
68.05.140	AMD	331	22	68.08.220	AMD	331	62
68.05.140	RECD	331	89	68.08.220	RECD	331	89
68.05.170	AMD	331	23	68.08.232	RECD	331	89
68.05.200	REP	331	90	68.08.240	RECD	331	89
68.05.220	AMD	331	17	68.08.245	AMD	331	63
68.05.220	RECD	331	89	68.08.245	RECD	331	89
68.05.230	AMD	331	16	68.08.300	AMD	331	64
68.05.230	RECD	331	89	68.08.300	RECD	331	89
68.05.250	AMD	331	24	68.08.305	RECD	331	89
68.05.250	RECD	331	89	68.08.320	RECD	331	89
68.05.255	AMD	331	11	68.08.350	AMD	331	65
68.05.255	RECD	331	89	68.08.350	RECD	331	89
68.05.257	AMD	331	13	68.08.355	RECD	331	89
68.05.257	RECD	331	89	68.08.360	RECD	331	89
68.05.260	RECD	331	89	68.08.500	RECD	331	89
68.05.270	RECD	331	89	68.08.510	AMD	331	66
				68.08.510	RECD	331	89



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RCW	CH.	SEC.	RCW	CH.	SEC.
68.08.520	RECD	331	89	68.18.030	RECD 331 89
68.08.530	AMD	331	67	68.18.040	RECD 331 89
68.08.530	RECD	331	89	68.18.050	RECD 331 89
68.08.540	RECD	331	89	68.18.060	RECD 331 89
68.08.550	RECD	331	89	68.18.070	RECD 331 89
68.08.560	AMD	331	68	68.18.080	RECD 331 89
68.08.560	RECD	331	89	68.18.090	RECD 331 89
68.08.600	AMD	331	69	68.18.100	RECD 331 89
68.08.600	RECD	331	89	68.18.110	RECD 331 89
68.08.610	AMD	331	70	68.18.120	AMD 331 75
68.08.610	RECD	331	89	68.18.120	RECD 331 89
68.08.650	AMD	331	71	68.20	ADD 331 33
68.08.650	RECD	331	89	68.20.100	RECD 331 89
68.08.660	AMD	331	72	68.20.105	RECD 331 89
68.08.660	RECD	331	89	68.24.090	AMD 331 34
68.12.010	RECD	331	89	68.40	ADD 331 36,40
68.12.020	RECD	331	89	68.40.010	AMD 331 35
68.12.030	RECD	331	89	68.40.020	REP 331 90
68.12.040	RECD	331	89	68.40.030	REP 331 90
68.12.045	RECD	331	89	68.40.040	AMD 331 37
68.12.050	RECD	331	89	68.40.050	REP 331 90
68.12.060	RECD	331	89	68.40.060	AMD 331 38
68.12.065	RECD	331	89	68.40.070	REP 331 90
68.12.070	RECD	331	89	68.40.080	REP 331 90
68.12.080	RECD	331	89	68.40.090	AMD 331 39
68.16.010	RECD	331	89	68.44	ADD 331 44,49
68.16.020	RECD	331	89	68.44.010	AMD 331 41
68.16.030	RECD	331	89	68.44.020	AMD 331 42
68.16.040	RECD	331	89	68.44.110	AMD 331 43
68.16.050	RECD	331	89	68.44.120	AMD 331 45
68.16.060	RECD	331	89	68.44.130	AMD 331 46
68.16.070	RECD	331	89	68.44.140	AMD 331 47
68.16.080	RECD	331	89	68.44.150	AMD 331 48
68.16.090	RECD	331	89	68.46	ADD 331 54
68.16.100	RECD	331	89	68.46.040	AMD 331 50
68.16.110	RECD	331	89	68.46.060	AMD 331 51
68.16.111	RECD	331	89	68.46.070	AMD 331 52
68.16.112	RECD	331	89	68.46.095	AMD 331 19
68.16.113	AMD	331	73	68.46.095	RECD 331 89
68.16.113	RECD	331	89	68.46.100	AMD 331 53
68.16.120	RECD	331	89	68.46.120	REP 331 90
68.16.130	RECD	331	89	68.46.140	AMD 331 12
68.16.140	RECD	331	89	68.46.140	RECD 331 89
68.16.150	RECD	331	89	68.46.180	AMD 331 18
68.16.160	RECD	331	89	68.46.180	RECD 331 89
68.16.170	RECD	331	89	68.46.190	AMD 331 25
68.16.180	RECD	331	89	68.46.200	AMD 331 26
68.16.190	RECD	331	89	68.46.200	RECD 331 89
68.16.200	RECD	331	89	68.46.210	AMD 331 27
68.16.210	RECD	331	89	68.46.210	RECD 331 89
68.16.220	RECD	331	89	68.46.220	RECD 331 89
68.16.230	RECD	331	89	68.46.230	AMD 331 28
68.16.240	RECD	331	89	68.46.230	RECD 331 89
68.16.250	RECD	331	89	68.46.240	AMD 331 29
68.16.900	RECD	331	89	68.46.240	RECD 331 89
68.18.010	AMD	331	74	68.46.250	AMD 331 30
68.18.010	RECD	331	89	68.46.250	RECD 331 89
68.18.020	RECD	331	89	68.46.260	AMD 331 31

## RCW SECTIONS AFFECTED BY 1987 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.	
68.46.260	RECD	331	89	70.48.070	REP 462 (Effective 1/1/88)	23
68.48.010	RECD	331	89	70.48.080	REP 462 (Effective 1/1/88)	22
68.48.020	RECD	331	89	70.48.082	REP 462 (Effective 1/1/88)	22
68.48.030	RECD	331	89	70.48.090	AMD 462 (Effective 1/1/88)	7
68.48.040	RECD	331	89	70.48.110	REP 462 (Effective 1/1/88)	23
68.48.050	AMD	331	14	70.48.120	AMD 462 (Effective 1/1/88)	8
68.48.050	RECD	331	89	70.48.160	AMD 462 (Effective 1/1/88)	9
68.48.060	RECD	331	89	70.48.200	REP 462 (Effective 1/1/88)	23
68.48.070	REP	331	90	70.48.250	REP 462 (Effective 1/1/88)	22
68.48.080	RECD	331	89	70.48.260	REP 462 (Effective 1/1/88)	22
68.48.090	RECD	331	89	70.48.280	AMD 462 (Effective 1/1/88)	10
69	ADD	34	1-6	70.48.290	REP 462 (Effective 1/1/88)	22
69	ADD	411	1-9	70.48.300	REP 462 (Effective 1/1/88)	22
69	ADD	458	7-9	70.48.330	REP 462 (Effective 1/1/88)	22
69.04	ADD	393	25	70.48.370	REP 462 (Effective 1/1/88)	22
69.06	ADD	223	8	70.48.400	AMD 462 (Effective 1/1/88)	11
69.06.010	AMD	223	5	70.48A.020	AMD 462	13
69.06.020	AMD	223	6	70.48A.040	AMD 462	14
69.06.040	AMD	223	7	70.54	ADD 334 (Effective 4/1/88)	1
69.25.270	AMD	393	16	70.54.120	AMD 84	1
69.41	ADD	41	2	70.58	ADD 223	1-3
69.41.030	AMD	144	1	70.58	ADD 351	6
69.41.060	AMD	202	227	70.62.220	AMD 75	9
69.50	ADD	458	2	70.62.230	AMD 75	10
69.50.101	AMD	144	2	70.90	ADD 222	1,3, 4,6, 11
69.50.401	AMD	458	4	70.90.010	REP 222	12
69.50.406	AMD	458	5	70.90.020	REP 222	12
69.50.509	AMD	202	228	70.90.030	REP 222	12
69.54	ADD	410	3	70.90.040	REP 222	12
69.54.010	AMD	410	1	70.90.100	REP 222	12
69.54.030	AMD	410	2	70.90.110	AMD 222	2
69.54.035	AMD	410	4	70.90.120	AMD 222	5
70	ADD	36	1-7	70.90.160	AMD 222	7
70	ADD	528	1-7, 11,12	70.90.170	AMD 222	8
70	ADD	5	E1 1-15	70.90.180	AMD 222	9
70.39.130	AMD	505	58	70.90.190	AMD 222	10
70.41.100	AMD	75	8	70.90.220	REP 222	12
70.41.200	AMD	269	5	70.90.900	REP 222	12
70.41.230	AMD	269	6	70.94	ADD 405	2-12
70.44	ADD	138	4			
70.44.070	AMD	58	1			
70.44.080	AMD	58	2			
70.44.090	AMD	58	3			
70.48	ADD	462	16,17			
			(Effective 1/1/88)			
70.48.010	REP	462	23			
			(Effective 1/1/88)			
70.48.020	AMD	462	6			
			(Effective 1/1/88)			
70.48.035	REP	462	22			
			(Effective 1/1/88)			
70.48.050	REP	462	23			
			(Effective 1/1/88)			
70.48.060	AMD	505	59			
70.48.060	REP	462	23			
			(Effective 1/1/88)			

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RCW	CH.	SEC.	RCW	CH.	SEC.
70.94.030	AMD	109	33	70.121.130	AMD 184 7
70.94.053	AMD	109	34	70.123.060	AMD 505 63
70.94.053	AMD	505	60	70.136	ADD 238 3
70.94.142	AMD	109	35	70.136.020	AMD 238 1
70.94.143	AMD	109	36	70.136.030	AMD 238 2
70.94.151	AMD	109	37	70.136.050	AMD 238 4
70.94.200	AMD	109	38	70.136.060	AMD 238 5
70.94.223	REP	109	159	70.136.070	AMD 238 6
70.94.331	AMD	109	39	70.146	ADD 516 1
70.94.331	AMD	405	13	70.146.020	AMD 436 5
70.94.332	AMD	109	18	70.146.030	AMD 436 6
70.94.333	REP	109	159	70.146.030	AMD 505 64
70.94.334	REP	109	159	70.146.060	AMD 436 7
70.94.350	AMD	109	40	70.146.060	AMD 527 1
70.94.380	AMD	405	14	71.02.310	REP 75 50
70.94.385	AMD	109	41	71.02.320	RECD 75 49
70.94.390	AMD	109	42	71.02.330	REP 75 50
70.94.395	AMD	109	43	71.02.340	REP 75 50
70.94.400	AMD	109	44	71.02.350	REP 75 50
70.94.405	AMD	109	45	71.02.360	RECD 75 49
70.94.410	AMD	109	46	71.02.370	RECD 75 49
70.94.420	AMD	109	47	71.02.380	AMD 75 12
70.94.425	AMD	109	48	71.02.380	RECD 75 49
70.94.431	AMD	109	19	71.02.390	REP 75 50
70.94.510	AMD	109	49	71.02.400	RECD 75 49
70.94.770	REP	405	16	71.02.410	RECD 75 49
70.94.820	AMD	505	61	71.02.411	AMD 75 13
70.95.040	AMD	115	1	71.02.411	RECD 75 49
70.95.210	AMD	109	21	71.02.412	AMD 75 14
70.95B	ADD	357	9	71.02.412	RECD 75 49
70.95B.020	AMD	357	1	71.02.413	AMD 75 15
70.95B.030	AMD	357	2	71.02.413	RECD 75 49
70.95B.040	AMD	357	3	71.02.414	AMD 75 16
70.95B.050	AMD	357	4	71.02.414	RECD 75 49
70.95B.080	AMD	357	5	71.02.415	AMD 75 17
70.95B.090	AMD	357	6	71.02.415	RECD 75 49
70.95B.110	AMD	357	7	71.02.417	REP 75 50
70.95B.120	AMD	357	8	71.05.040	AMD 439 1
70.96A.120	AMD	439	13	71.05.100	AMD 75 18
70.96A.140	AMD	439	14	71.05.120	AMD 212 301
70.105	ADD	488	2,5	71.05.210	AMD 439 2
70.105	ADD	528	9	71.05.230	AMD 439 3
70.105.010	AMD	488	1	71.05.240	AMD 439 5
70.105.050	AMD	488	4	71.05.250	AMD 439 6
70.105.080	AMD	109	12	71.05.260	AMD 439 7
70.105.095	AMD	109	16	71.05.300	AMD 439 8
70.105.110	AMD	488	3	71.05.310	AMD 439 9
70.106	ADD	236	1	71.05.340	AMD 439 10
70.107.050	AMD	103	2	71.05.600	REP 505 88
70.107.060	AMD	103	1	71.12.470	AMD 75 19
70.107.070	AMD	330	749	71.12.490	AMD 75 20
70.119.100	AMD	75	11	71.24.035	AMD 105 1
70.120.140	AMD	505	62	71.24.155	AMD 505 65
70.121	ADD	184	3,4	72.01.045	AMD 102 1
70.121.020	AMD	184	1	72.01.320	AMD 505 66
70.121.050	AMD	184	2	72.05.152	AMD 185 37
70.121.100	AMD	184	5	72.09	ADD 312 2,3
70.121.110	AMD	184	6	72.09	ADD 462 15

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RCW	CH.	SEC.	RCW	CH.	SEC.
72.09.050	AMD 312	4	74.04.540	RECD 75	49
72.09.090	AMD 7	203	74.04.550	AMD 75	34
72.09.140	REP 462	22	74.04.550	RECD 75	49
	(Effective 1/1/88)		74.04.560	RECD 75	49
72.09.150	REP 462	22	74.04.570	AMD 75	35
	(Effective 1/1/88)		74.04.570	RECD 75	49
72.09.160	AMD 505	67	74.04.580	AMD 75	36
72.09.160	REP 462	22	74.04.580	RECD 75	49
	(Effective 1/1/88)		74.04.700	RECD 75	49
72.09.170	REP 462	22	74.04.710	AMD 75	37
	(Effective 1/1/88)		74.04.710	RECD 75	49
72.09.180	AMD 462	21	74.04.720	AMD 75	38
72.23.230	AMD 75	21	74.04.720	RECD 75	49
72.33.125	AMD 505	68	74.04.730	RECD 75	49
72.33.180	AMD 75	22	74.04.780	RECD 75	49
72.33.650	AMD 75	23	74.08.120	AMD 75	39
72.33.650	RECD 75	49	74.08.280	AMD 406	10
72.33.655	RECD 75	49	74.08.338	AMD 75	40
72.33.660	AMD 75	24	74.09	ADD 283	13
72.33.660	RECD 75	49	74.09	ADD 5 E1	20
72.33.665	AMD 75	25	74.09.010	AMD 406	11
72.33.665	RECD 75	49	74.09.035	AMD 406	12
72.33.670	AMD 75	26	74.09.180	AMD 283	14
72.33.670	RECD 75	49	74.09.210	AMD 283	7
72.33.680	RECD 75	49	74.09.220	AMD 283	8
72.33.685	AMD 75	27	74.09.522	AMD 5 E1	21
72.33.685	RECD 75	49	74.09.538	AMD 75	41
72.33.690	AMD 75	28	74.13.031	AMD 170	10
72.33.690	RECD 75	49		(Effective 7/1/88)	
72.33.695	AMD 75	29	74.13.031	AMD 505	69
72.33.695	RECD 75	49	74.13.036	AMD 505	70
72.33.700	AMD 75	30	74.13.080	AMD 170	11
72.33.700	RECD 75	49		(Effective 7/1/88)	
72.40.100	AMD 202	229	74.15	ADD 170	13
72.60.100	AMD 185	38	74.15	ADD 489	5
72.60.280	REP 505	88	74.15.020	AMD 170	12
73.04	ADD 98	1	74.15.030	AMD 486	14
73.04.110	AMD 98	2	74.15.030	AMD 524	13
73.16.020	AMD 456	30	74.15.060	AMD 524	14
	(Effective 1/1/89)		74.15.090	AMD 170	14
74	ADD 406	1-8	74.18.900	REP 60	1
74	ADD 409	1-6	74.20.101	AMD 435	30
74	ADD 434	1-22		(Effective 1/1/88)	
74	ADD 503	8,	74.20A.030	AMD 435	31
		11-14,		(Effective 1/1/88)	
		19	74.20A.130	AMD 435	32
74.04	ADD 5 E1	18		(Effective 1/1/88)	
74.04.005	AMD 75	31	74.20A.190	AMD 435	33
74.04.005	AMD 406	9		(Effective 1/1/88)	
74.04.007	RECD 75	49	74.20A.260	AMD 435	34
74.04.060	AMD 435	29		(Effective 1/1/88)	
	(Effective 1/1/88)		74.20A.280	AMD 441	2
74.04.300	AMD 75	32	74.42.055	AMD 476	30
74.04.306	AMD 283	6	74.42.580	AMD 476	27
74.04.306	RECD 75	49	74.42.600	AMD 476	28
74.04.430	AMD 185	39	74.46	ADD 476	8
74.04.530	RECD 75	49	74.46.020	AMD 476	6
74.04.540	AMD 75	33	74.46.180	AMD 283	9

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**RCW SECTIONS AFFECTED BY 1987 STATUTES**

RCW	CH.	SEC.	RCW	CH.	SEC.		
74.46.180	AMD	476	1	77.12.055	AMD	506	16
74.46.430	AMD	476	2	77.12.060	AMD	506	17
74.46.460	AMD	476	3	77.12.070	AMD	506	18
74.46.470	AMD	476	4	77.12.080	AMD	506	19
74.46.481	AMD	476	5	77.12.090	AMD	506	20
75.08.020	AMD	505	71	77.12.100	AMD	506	21
75.08.055	AMD	506	94	77.12.105	AMD	506	22
75.08.230	AMD	202	230	77.12.140	AMD	506	23
75.10.110	AMD	380	16	77.12.150	AMD	506	24
	(Effective 1/1/83)			77.12.170	AMD	506	25
75.12	ADD	262	1	77.12.185	AMD	506	26
75.20	ADD	343	6	77.12.190	AMD	506	27
75.25	ADD	87	1,5,9	77.12.200	AMD	506	28
	(Effective 1/1/88)			77.12.201	REMD	506	29
75.25.100	AMD	87	2	77.12.210	AMD	506	30
	(Effective 1/1/88)			77.12.220	AMD	506	31
75.25.110	AMD	87	3	77.12.230	AMD	506	32
	(Effective 1/1/88)			77.12.240	AMD	506	33
75.25.120	AMD	87	4	77.12.260	AMD	506	34
	(Effective 1/1/88)			77.12.265	AMD	506	35
75.25.130	AMD	87	6	77.12.270	AMD	506	36
	(Effective 1/1/88)			77.12.280	AMD	506	37
75.25.140	AMD	87	7	77.12.290	AMD	506	38
	(Effective 1/1/88)			77.12.300	AMD	506	39
75.25.160	AMD	87	8	77.12.315	AMD	506	40
	(Effective 1/1/88)			77.12.320	AMD	506	41
75.48.090	REP	505	88	77.12.323	AMD	506	42
75.50.050	AMD	505	72	77.12.370	AMD	506	43
75.52	ADD	48	1	77.12.380	AMD	506	44
75.52.040	AMD	505	73	77.12.390	AMD	506	45
76.09	ADD	95	2-7	77.12.420	AMD	506	46
76.09.010	AMD	95	1	77.12.440	AMD	506	47
76.09.030	AMD	330	1301	77.12.530	AMD	506	48
76.09.040	AMD	95	8	77.12.570	AMD	506	49
76.09.050	AMD	95	9	77.12.580	AMD	506	50
76.09.070	AMD	95	10	77.12.590	AMD	506	51
76.09.200	REP	330	901	77.12.650	AMD	506	52
76.09.950	REP	95	12	77.12.670	AMD	506	53
76.12.140	AMD	380	17	77.12.680	AMD	506	54
	(Effective 1/1/88)			77.12.690	AMD	506	55
76.36.035	AMD	380	18	77.16.010	AMD	506	58
	(Effective 1/1/88)			77.16.020	AMD	506	59
76.56.020	AMD	195	16	77.16.040	AMD	506	60
76.56.050	AMD	505	74	77.16.060	AMD	506	61
77.04	ADD	506	7,10	77.16.080	AMD	506	62
77.04.020	AMD	506	4	77.16.095	AMD	506	63
77.04.030	AMD	506	5	77.16.110	AMD	506	64
77.04.040	AMD	506	6	77.16.130	AMD	506	65
77.04.060	AMD	114	1	77.16.150	AMD	506	66
77.04.060	AMD	506	8	77.16.170	AMD	372	1
77.04.080	AMD	506	9	77.16.180	AMD	506	67
77.04.110	REP	506	98	77.16.320	AMD	506	68
77.08.010	AMD	506	11	77.16.330	AMD	506	104
77.08.045	AMD	506	12	77.21	ADD	506	75
77.12	ADD	506	56	77.21.010	AMD	372	2
77.12.020	AMD	506	13	77.21.010	AMD	380	19
77.12.030	AMD	506	14		(Effective 1/1/88)		
77.12.040	AMD	506	15	77.21.010	AMD	506	69

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RCW		CH.	SEC.	RCW		CH.	SEC.
77.21.020	AMD	506	70	79.68.070	AMD	472	12
77.21.030	AMD	506	71	79.72.020	AMD	57	1
77.21.040	AMD	506	72	79.72.110	REP	57	2
77.21.060	AMD	506	73	79.90	ADD	259	1-3
77.21.070	AMD	506	74	79.90.330	AMD	20	16
77.32	ADD	372	4	79.92	ADD	271	5
77.32	ADD	506	103	79.94	ADD	271	4
77.32.010	AMD	506	76	79.95	ADD	271	1,3
77.32.050	AMD	506	77	79.95.010	AMD	271	2
77.32.060	AMD	506	78	79.96.030	AMD	374	1
77.32.070	AMD	506	79	80.01.090	AMD	505	77
77.32.090	AMD	506	80	80.04	ADD	107	1
77.32.155	AMD	506	81	80.04.010	REMD	229	1
77.32.191	AMD	372	3	80.04.130	REMD	229	2
77.32.197	AMD	506	82	80.04.130	REMD	333	1
77.32.211	AMD	506	83	80.04.310	AMD	38	1
77.32.220	AMD	506	84	80.04.400	AMD	202	238
77.32.230	AMD	506	85	80.08	ADD	106	2
77.32.256	AMD	506	86	80.08.040	AMD	106	1
77.32.320	AMD	506	87	80.08.070	REP	106	3
77.32.350	REMD	506	105	80.24.040	AMD	202	239
77.32.360	AMD	506	88	80.24.050	AMD	202	240
77.32.370	AMD	506	89	80.36	ADD	229	3-10
77.32.380	AMD	506	90	80.36.380	AMD	293	6
78.12.020	AMD	3	19	80.36.380	AMD	505	78
78.12.020	AMD	202	231	80.36.390	AMD	229	13
78.12.040	AMD	202	232	80.62.010	AMD	522	1
78.12.050	AMD	202	233	80.62.020	AMD	522	2
78.12.060	AMD	3	20	81.04.400	AMD	202	241
78.12.060	AMD	202	234	81.24.080	AMD	202	242
78.40.351	AMD	202	235	81.53.281	AMD	257	1
78.40.606	AMD	202	236	81.77	ADD	239	3
78.40.723	AMD	202	237	81.77.030	AMD	239	1
78.44	ADD	258	3	81.77.040	AMD	239	2
78.44.030	AMD	258	1	81.80.280	AMD	209	1
78.44.110	AMD	258	2	82.01.120	AMD	502	10
79	ADD	472	1-11	82.01.120	AMD	505	79
79.01	ADD	20	2,11,13,15	82.02.020	AMD	327	17
79.01	ADD	126	1,2	82.02.030	AMD	80	4
79.01.616	AMD	20	1	82.02.030	AMD	472	15
79.01.618	AMD	20	3	82.02.030	AMD	9	E1 6
79.01.620	AMD	20	4	82.04	ADD	23	1
79.01.624	AMD	20	5	82.04	ADD	431	24
79.01.628	AMD	20	6	82.04	ADD	433	1
79.01.632	AMD	20	7	82.04	ADD	495	1
79.01.633	AMD	20	8	82.04	ADD	4	E1 1
79.01.634	AMD	20	9	82.04.050	AMD	23	2
79.01.636	REP	20	17	82.04.050	AMD	285	1
79.01.640	AMD	20	10	82.04.100	AMD	23	3
79.01.644	AMD	20	12	82.04.120	AMD	493	1
79.01.650	AMD	20	14	82.04.260	REMD	139	1
79.01.744	AMD	505	76	82.04.330	REMD	23	4
79.08.180	AMD	113	1	82.08	ADD	16	1
79.24.580	AMD	350	1	82.08	ADD	28	1
	(Effective 7/1/89)				(Effective 10/1/87)		
79.68	ADD	159	2,4	82.08	ADD	89	1
79.68.040	AMD	159	3	82.08	ADD	494	1

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RCW	CH.	SEC.	RCW	CH.	SEC.		
82.12	ADD	28	2	82.61	ADD	49	2
		(Effective 10/1/87)		82.61.010	AMD	497	1
82.12	ADD	494	2	82.61.020	AMD	497	2
82.12.0251	AMD	27	1	82.61.030	AMD	497	3
82.12.035	AMD	27	2	82.61.060	AMD	497	4
82.14B	ADD	17	1-4	82.62	ADD	49	3
82.16.050	AMD	207	1	84.04	ADD	319	8
82.20.005	REP	472	17	84.04.090	AMD	155	1
82.20.010	REP	472	17	84.04.140	AMD	413	9
82.20.020	REP	472	17	84.09	ADD	100	3
82.20.030	REP	472	17	84.09	ADD	138	5
82.20.040	REP	472	17	84.09.030	AMD	82	1
82.20.050	REP	472	17	84.09.030	AMD	358	1
82.20.060	REP	472	17	84.12.200	AMD	153	1
82.20.070	REP	472	17	84.12.280	AMD	153	2
82.24	ADD	496	3,4	84.12.290	REP	153	5
82.24.020	AMD	80	1	84.12.360	AMD	153	3
82.24.025	REP	80	6	84.33.073	AMD	166	2
82.24.070	AMD	80	2	84.33.086	AMD	166	1
82.24.070	AMD	496	5	84.34.057	REP	505	88
82.24.110	AMD	496	1	84.34.210	AMD	341	2
82.24.130	AMD	496	2	84.34.220	AMD	341	3
82.24.140	AMD	202	243	84.36.030	AMD	433	2
82.24.140	REP	496	6	84.36.037	AMD	505	80
82.24.190	AMD	202	244	84.36.040	AMD	31	1
82.24.260	AMD	80	3	84.36.381	AMD	301	1
82.32	ADD	208	2	84.36.383	AMD	155	2
82.32	ADD	245	1	84.36.805	AMD	468	1
82.32	ADD	344	16	84.36.810	AMD	468	2
		(Effective 1/1/88)		84.40.200	AMD	319	3
82.32.090	AMD	502	9	84.41.041	AMD	319	4
82.32.210	AMD	405	15	84.41.140	REP	505	88
82.32.235	AMD	208	1	84.48.110	AMD	168	1
82.32.265	AMD	80	5	84.48.120	AMD	168	2
82.32.400	AMD	502	8	84.52	ADD	138	7
82.36	ADD	174	3,7	84.52	ADD	156	1
82.36	ADD	220	4	84.52	ADD	413	6
82.36.010	AMD	174	1	84.52.010	AMD	255	1
82.36.030	AMD	174	2	84.52.043	AMD	413	10
82.36.040	AMD	174	4	84.52.050	AMD	413	11
82.36.420	AMD	202	245	84.52.053	AMD	2	EI 103
82.38	ADD	294	1			(Effective 9/1/87)	
82.38.160	AMD	174	5	84.52.0531	AMD	185	40
82.38.170	AMD	174	6	84.52.0531	AMD	2	EI 101
82.44.020	AMD	260	1			(Effective 9/1/87)	
82.44.020	AMD	9	EI 5	84.55	ADD	138	6
82.44.110	AMD	9	EI 7	84.55	ADD	413	7
82.44.150	REMD	428	3	84.56	ADD	355	1
82.44.150	REMD	9	EI 8	84.56.020	AMD	211	1
82.44.170	AMD	244	56			(Effective 1/1/88)	
		(Effective 1/1/88)		84.56.290	AMD	168	3
82.45.060	AMD	472	14	84.69.100	AMD	319	1
82.48.010	AMD	220	5	84.70.010	AMD	319	6
82.48.020	AMD	220	6	84.70.020	REP	319	10
82.48.070	AMD	220	7	84.70.030	REP	319	10
82.48.080	AMD	220	8	84.70.040	AMD	319	7
82.48.090	AMD	220	9	85.38	ADD	298	1
82.60	ADD	49	1	85.38.070	AMD	298	2

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RCW	CH.	SEC.	RCW	CH.	SEC.		
85.38.080	AMD	298	3	88.16.150	AMD	202	248
85.38.190	AMD	298	4	88.16.150	AMD	485	5
85.38.240	AMD	298	5	88.20.050	AMD	202	248
86.16	ADD	343	7	88.20.070	AMD	202	249
86.16	ADD	523	3-8	88.28.050	AMD	479	4
86.16.010	AMD	523	1	89.08.030	AMD	180	1
86.16.020	AMD	523	2	90.03	ADD	109	65
86.16.025	AMD	109	50	90.03.030	AMD	109	68
86.16.027	AMD	109	51	90.03.060	AMD	109	69
86.16.027	REP	523	12	90.03.070	AMD	109	70
86.16.030	AMD	109	52	90.03.080	REP	109	159
86.16.030	REP	523	12	90.03.090	AMD	202	250
86.16.035	AMD	109	53	90.03.100	AMD	109	71
86.16.035	AMD	523	9	90.03.110	AMD	109	72
86.16.040	AMD	109	54	90.03.120	AMD	109	73
86.16.040	REP	523	12	90.03.130	AMD	109	74
86.16.050	REP	523	12	90.03.140	AMD	109	75
86.16.060	AMD	109	55	90.03.160	AMD	109	76
86.16.060	REP	523	12	90.03.170	AMD	109	77
86.16.065	AMD	109	56	90.03.190	AMD	109	78
86.16.065	REP	523	12	90.03.200	AMD	109	79
86.16.067	AMD	109	57	90.03.210	AMD	109	80
86.16.067	REP	523	12	90.03.230	AMD	109	81
86.16.070	AMD	109	58	90.03.240	AMD	109	82
86.16.070	REP	523	12	90.03.247	AMD	505	81
86.16.080	AMD	109	59	90.03.247	AMD	506	95
86.16.080	REP	523	12	90.03.250	AMD	109	83
86.16.085	REP	523	12	90.03.260	AMD	109	84
86.16.090	AMD	109	60	90.03.270	AMD	109	85
86.16.090	REP	523	12	90.03.280	AMD	109	66
86.16.100	REP	523	12	90.03.290	AMD	109	86
86.16.110	AMD	109	23	90.03.300	AMD	109	87
86.16.110	REP	523	12	90.03.310	AMD	109	88
86.16.130	AMD	109	61	90.03.320	AMD	109	67
86.16.130	REP	523	12	90.03.330	AMD	109	89
86.16.170	AMD	109	62	90.03.340	AMD	109	90
86.16.170	REP	523	12	90.03.350	AMD	109	91
86.18.030	AMD	109	63	90.03.360	AMD	109	92
86.24.020	AMD	109	64	90.03.370	AMD	109	93
87.03	ADD	315	7	90.03.380	AMD	109	94
87.03.085	AMD	123	1	90.03.390	AMD	109	95
87.76.020	AMD	124	1	90.03.430	AMD	109	96
87.76.040	AMD	124	2	90.03.440	AMD	109	97
87.84.090	AMD	202	246	90.03.470	AMD	109	98
88.02	ADD	149	2-12	90.03.471	AMD	109	99
88.02.060	AMD	149	1	90.03.480	REP	109	159
88.02.095	AMD	373	6	90.14	ADD	93	1
88.02.110	AMD	149	13	90.14.130	AMD	109	13
88.16	ADD	485	6	90.14.140	AMD	125	1
88.16.010	AMD	485	1	90.14.150	AMD	109	100
88.16.035	AMD	264	1	90.14.180	AMD	109	101
88.16.040	AMD	485	2	90.14.190	AMD	109	14
88.16.050	AMD	485	3	90.14.230	AMD	109	102
88.16.070	AMD	194	2	90.22.010	AMD	109	103
88.16.090	AMD	264	2	90.22.010	AMD	506	96
88.16.100	AMD	392	1	90.22.020	AMD	506	97
88.16.105	AMD	264	3	90.22.040	AMD	109	104
88.16.120	AMD	485	4	90.24.030	AMD	109	105



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RCW	CH.	SEC.	RCW	CH.	SEC.		
90.24.060	REMD	109	106	90.50.020	AMD	109	154
90.40	ADD	491	1	90.50.030	AMD	109	155
90.44.035	AMD	109	107	90.52.040	AMD	399	1
90.44.050	AMD	109	108	90.54.020	AMD	399	2
90.44.060	AMD	109	109	90.54.070	REP	505	88
90.44.070	AMD	109	110	90.54.090	AMD	505	82
90.44.080	AMD	109	111	90.58	ADD	343	5
90.44.090	AMD	109	112	90.58	ADD	499	10
90.44.100	AMD	109	113	90.58.030	AMD	474	1
90.44.110	AMD	109	114	90.62.080	AMD	109	156
90.44.120	AMD	109	115				
90.44.130	AMD	109	116				
90.44.180	AMD	109	117				
90.44.200	AMD	109	118				
90.44.215	REP	109	159				
90.44.220	AMD	109	119				
90.44.230	AMD	109	120				
90.44.250	AMD	109	121				
90.48	ADD	479	2				
90.48	ADD	500	1				
90.48.020	AMD	109	122				
90.48.030	AMD	109	123				
90.48.035	AMD	109	124				
90.48.037	AMD	109	125				
90.48.080	AMD	109	126				
90.48.090	AMD	109	127				
90.48.095	AMD	109	128				
90.48.100	AMD	109	129				
90.48.110	AMD	109	130				
90.48.120	AMD	109	131				
90.48.135	REP	109	159				
90.48.142	AMD	109	132				
90.48.144	AMD	109	17				
90.48.153	AMD	109	133				
90.48.156	AMD	109	134				
90.48.165	AMD	109	135				
90.48.170	AMD	109	136				
90.48.180	AMD	109	137				
90.48.190	AMD	109	138				
90.48.195	AMD	109	139				
90.48.200	AMD	109	140				
90.48.210	REP	109	159				
90.48.240	AMD	109	15				
90.48.250	AMD	109	141				
90.48.270	AMD	109	142				
90.48.280	AMD	109	143				
90.48.285	AMD	109	144				
90.48.290	AMD	109	145				
90.48.320	AMD	109	146				
90.48.330	AMD	109	147				
90.48.340	AMD	109	148				
90.48.343	AMD	109	149				
90.48.345	AMD	109	150				
90.48.350	AMD	109	20				
90.48.355	AMD	109	151				
90.48.360	AMD	109	152				
90.48.365	AMD	109	153				
90.48.470	REP	500	2				



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# HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

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## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 1 (**State-wide Prohibition**)--Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE NO. 2 (**Eight Hour Law**)--Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- \*INITIATIVE MEASURE NO. 3 (**State-Wide Prohibition**) --Filed January 8, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For--189,840 Against--171,208**. Act is now identified as Chapter 2, Laws of 1915.
- INITIATIVE MEASURE NO. 4 (**Drugless Healers**)--Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 5 (**Eight Hour Law**)--Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (**Blue Sky Law**)--Filed January 30, 1914. Submitted to voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For--142,017 Against--147,298**.
- INITIATIVE MEASURE NO. 7 (**Abolishing Bureau of Inspection**)--Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For--117,882 Against--167,080**.
- \*INITIATIVE MEASURE NO. 8 (**Abolishing Employment Offices**)--Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For--162,054 Against--144,544**. Act is now identified as Chapter 1, Laws of 1915.
- INITIATIVE MEASURE NO. 9 (**First Aid to Injured**)--Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For--143,738 Against--154,166**.
- INITIATIVE MEASURE NO. 10 (**Convict Labor Road Measure**)--Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For--111,805 Against--183,726**.
- INITIATIVE MEASURE NO. 11 (**Fish Code**)--Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE NO. 12 (**Abolishing Tax Commission**)--Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE NO. 13 (**Eight Hour Law**)--Filed February 10, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For--118,881 Against--212,935**.
- INITIATIVE MEASURE NO. 14 (**Legislative Reapportionment**)--Filed May 13, 1914. No petition filed.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 15 (**Fundamental Reform Act**)--Filed May 15, 1914. No petition filed.
- INITIATIVE MEASURE NO. 16 (**Legislative Reapportionment**)--Filed May 20, 1914. No petition filed.
- INITIATIVE MEASURE NO. 17 (**State Road Measure**)--Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 18 (**Brewers' Hotel Bill**)--Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For**--48,354 **Against**--263,390.  
(This initiative was erroneously numbered since it was actually an initiative to the Legislature. Now renumbered as Initiative to the Legislature No. 1A.)
- INITIATIVE MEASURE NO. 19 (**Nonpartisan Election and Presidential Primary**)--Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 20 (**First Aid**)--Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 21 (**Home Rule**)--Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (**Fisheries Code**)--Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (**Politicians' Code**)--Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (**Brewers' Bill**)--Filed April 20, 1916. Submitted to the voters at the state general election held on November 7, 1916. Failed to pass by the following vote: **For**--98,843 **Against**--245,399.
- INITIATIVE MEASURE NO. 25 (**Repealing State-Wide Prohibition**)--Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 26 (**Making the State a Prohibition District**)--Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 27 (**Repealing Chapter 57, Laws of 1915, Relating to Regulation of Common Carriers**)--Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 28 (**Nonpartisan Elections**)--Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE NO. 29 (**Capitol Removal Bill**)--Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (**Eight Hour Law**)--Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE NO. 31 (**Municipal Marketing Measure**)--Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (**Picketing Measure**)--Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (**Nonpartisan Elections and Presidential Primary**)--Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (**Relating to Salmon Fishing**)--Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE NO. 35 (**Repealing Chapter 174, Laws of 1919, Relating to Prevention of Criminal Syndicalism**)--Filed October 7, 1920. Insufficient number of signatures on petition; failed.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)--Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)--Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws of 1907, Relating to the Nomination of Candidates for Public Office)--Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws of 1913, Relating to the Initiative Procedure)--Filed January 11, 1922. No petition filed.
- \*INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws of 1921, Relating to the Poll Tax)--Filed January 18, 1922. Submitted to the voters at the state general election held on November 7, 1922. Measure approved into law by the following vote: For--193,356 Against--63,494. Act is now identified as Chapter 1, Laws of 1923.
- INITIATIVE MEASURE NO. 41 (Nonpartisan Elections)--Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)--Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)--Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)--Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE NO. 45 (Legislative Reapportionment)--Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)--Filed February 21, 1922. Submitted to the voters at the state general election held on November 7, 1922. Failed to pass by the following vote: For--99,150 Against--150,114.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)--Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)--Filed January 7, 1924. No petition filed.
- INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)--Filed January 15, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For--158,922 Against--221,500.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)--Filed February 21, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For--128,677 Against--211,948.
- INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)--Filed April 2, 1924. No petition filed.
- INITIATIVE MEASURE NO. 52 (Electric Power Measure)--Filed April 8, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For--139,492 Against--217,393.
- INITIATIVE MEASURE NO. 53 (Relating to Sanipractic)--Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE NO. 54 (State Commission to License and Regulate Horse-Racing, Pool-Selling, etc.--Parimutuel Measure)--Filed February 5, 1926. No petition filed.
- INITIATIVE MEASURE NO. 55 (Prohibiting Use of Purse Seines, Fish Traps, Fish Wheels, etc.)--Filed February 16, 1928. No petition filed.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 56 (Redistricting State For Legislative Purposes)--Filed April 24, 1930. Re filed as Initiative Measure No. 57.
- \*INITIATIVE MEASURE NO. 57 (Redistricting State for Legislative Purposes)--Filed April 25, 1930. Submitted to the voters at the state general election held on November 4, 1930. Measure approved into law by the following vote: For--116,436 Against--115,641. Act is now identified as Chapter 2, Laws of 1931.
- \*INITIATIVE MEASURE NO. 58 (Permanent Registration)--Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For--372,061 Against--75,381. Act is now identified as Chapter 1, Laws of 1933.
- INITIATIVE MEASURE NO. 59 (Tax Free Homes)--Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (Licensing of Mercantile Establishments)--Filed January 9, 1932. No petition filed.
- \*INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)--Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For--341,450 Against--208,211. Act is now identified as Chapter 2, Laws of 1933.
- \*INITIATIVE MEASURE NO. 62 (Creating Department of Game)--Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For--270,421 Against--231,863. Act is now identified as Chapter 3, Laws of 1933.
- INITIATIVE MEASURE NO. 63 (Exemption of Homes from Taxation)--Filed January 9, 1932. No petition filed.
- \*INITIATIVE MEASURE NO. 64 (Limits Tax Levy on Real and Personal Property to 40 Mills)--Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For--303,384 Against--190,619. Act is now identified as Chapter 4, Laws of 1933.
- INITIATIVE MEASURE NO. 65 (Cascade Mountain Tunnel)--Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE NO. 66 (Scientific Birth Control)--Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE NO. 67 (Abolishes Excise Tax on Butter Substitutes)--Filed March 7, 1932. No petition filed.
- INITIATIVE MEASURE NO. 68 (Unemployment Insurance)--Filed March 21, 1932. No petition filed.
- \*INITIATIVE MEASURE NO. 69 (Income Tax Measure)--Filed March 22, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: For--322,919 Against--136,983. Act is now identified as Chapter 5, Laws of 1933.
- INITIATIVE MEASURE NO. 70 (Compulsory Military Training Prohibited)--Filed April 4, 1932. No petition filed.
- INITIATIVE MEASURE NO. 71 (Liquor Control)--Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 72 (Distribution of Highway Funds)--Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 73 (Catching of Fish)--Filed January 8, 1934. No petition filed.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 74 (Tax Free Homes)--Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 75 (Unemployment Insurance)--Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (Tax Free Homes)--Filed January 22, 1934. No petition filed.
- \*INITIATIVE MEASURE NO. 77 (Fish Traps and Fishing Regulations)--Filed February 1, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: For--275,507 Against--153,811. Act is now identified as Chapter 1, Laws of 1935.
- INITIATIVE MEASURE NO. 78 (Distribution of Highway Funds)--Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (Liquor Control)--Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (Liquor Control)--Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (Liquor Control)--Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE NO. 82 (Fishing Regulations)--Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE NO. 83 (State Sale of Gasoline)--Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (Blanket Primary)--Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (State Fire Insurance)--Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 86 (State Fire Insurance)--Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (Workmen's Compensation)--Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (Liquor Control)--Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (One Man Grand Jury)--Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (Criminal Appeals)--Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (Regulating Motor Carriers)--Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (Regulating Motor Carriers)--Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 93 (Distribution of Highway Funds)--Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- \*INITIATIVE MEASURE NO. 94 (40-Mill Tax Limit)--Filed May 18, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: For--219,635 Against--192,168. Act is now identified as Chapter 2, Laws of 1935.
- INITIATIVE MEASURE NO. 95 (Liquor Control)--Filed May 26, 1934. No petition filed.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 95 (**Repeal of Business Occupation Tax**)--Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (**Dog Racing**)--Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (**Business and Occupation Tax**)--Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (**Distribution of Highway Funds**)--Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (**40-Mill Tax Limit**)--Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (**Civil Service**)--Filed January 14, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**--208,904 **Against**--300,274.
- INITIATIVE MEASURE NO. 102 (**Creating "State Government Bank" Department**)--Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (**Old Age Pension**)--Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE NO. 104 (**Tax on Gasoline**)--Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (**Relating to Gill Nets**)--Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 106 (**Voter's Identification Certificate**)--Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (**Tax on Gasoline**)--Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE NO. 108 (**40-Mill Tax Limit**)--Filed March 12, 1936. No petition filed.
- INITIATIVE MEASURE NO. 109 (**Admission of Sick to Hospitals**)--Filed March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (**Annuity for Crippled and Blind**)--Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (**Admission of Sick to Hospitals**)--Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (**Abolishing Compulsory Military Training**)--Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (**Tax on Gasoline**)--Filed April 15, 1936. No petition filed.
- \*INITIATIVE MEASURE NO. 114 (**40-Mill Tax Limit**)--Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Measure approved into law by the following vote: **For**--417,641 **Against**--120,478. Act is now identified as Chapter 1, Laws of 1937.
- INITIATIVE MEASURE NO. 115 (**Old Age Pension**)--Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**--153,551 **Against**--354,162.
- INITIATIVE MEASURE NO. 116 (**Tax on Gasoline**)--Filed April 24, 1936. No petition filed.

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\*Indicates measure became law.



## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 117 (**Production for Use**)--Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE NO. 118 (**Liens for Labor**)--Filed May 5, 1936. No petition filed.
- INITIATIVE MEASURE NO. 119 (**Production for Use**)--Filed May 9, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**--97,329 **Against**--370,140.
- INITIATIVE MEASURE NO. 120 (**Tax on Gasoline**)--Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE NO. 121 (**Beer on Sunday**)--Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 122 (**Pertaining to Bribery and Grafting**)--Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (**Business and Occupation Tax**)--Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (**Distribution of Highway Funds**)--Filed February 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 125 (**Tax on Intoxicating Liquors**)--Filed February 15, 1938. No petition filed.
- \*INITIATIVE MEASURE NO. 126 (**Nonpartisan School Election**)--Filed February 24, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**--293,202 **Against**--153,142. Act is now identified as Chapter 1, Laws of 1939.
- INITIATIVE MEASURE NO. 127 (**Distribution of Highway Funds**)--Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (**Civil Service**)--Filed March 14, 1938. No petition filed.
- \*INITIATIVE MEASURE NO. 129 (**40-Mill Tax Limit**)--Filed March 18, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**--340,296 **Against**--149,534. Act is now identified as Chapter 2, Laws of 1939.
- INITIATIVE MEASURE NO. 130 (**Regulation of Labor Disputes**)--Filed April 6, 1938. Submitted to the voters at the state general election held on November 8, 1938. Failed by the following vote: **For**--268,848 **Against**--295,431.
- INITIATIVE MEASURE NO. 131 (**Civil Service**)--Filed April 7, 1938. No petition filed.
- INITIATIVE MEASURE NO. 132 (**Old Age Assistance**)--Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE NO. 133 (**Relating to Licensing Gambling**)--Filed April 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 134 (**Old Age Assistance**)--Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (**40-Mill Tax Limit**)--Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (**Relating to Retail Beer and Wine Licenses**)--Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (**Relating to Gambling**)--Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (**Relating to Gambling**)--Filed June 13, 1938. No petition filed.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 139 (P. U. D. Bonds)—Filed January 5, 1940. Submitted to the voters at the state general election held on November 5, 1940. Failed by the following vote: **For**—253,318 **Against**—362,508.
- INITIATIVE MEASURE NO. 140 (Liquor Control)—Filed January 9, 1940. No petition filed.
- \*INITIATIVE MEASURE NO. 141 (Old Age Pension)—Filed January 11, 1940. Submitted to the voters at the state general election held on November 5, 1940. Measure approved into law by the following vote: **For**—358,009 **Against**—258,819. Act is now identified as Chapter 1, Laws of 1941.
- INITIATIVE MEASURE NO. 142 (Chain Store Tax)—Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (Relating to State Sale of Gas and Oil)—Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE NO. 144 (Unicameral Legislature)—Filed February 23, 1940. Withdrawn. Re-filed as Initiative Measure No. 147.
- INITIATIVE MEASURE NO. 145 (Government Reorganization)—Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 146 (Relating to Sabbath Breaking)—Filed March 22, 1940. No petition filed.
- INITIATIVE MEASURE NO. 147 (Unicameral Legislature)—Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 148 (Liquor Control)—Filed May 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 149 (Anti-Subversive Activities)—Filed May 23, 1940. No petition filed.
- INITIATIVE MEASURE NO. 150 (Intoxicating Liquor Sold by the Drink)—Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE NO. 151 (Old Age Assistance)—Filed January 3, 1942. Submitted to the voters at the state general election held on November 3, 1942. Failed to pass by the following vote: **For**—160,084 **Against**—225,027.
- INITIATIVE MEASURE NO. 152 (Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture)—Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE NO. 153 (Reconstitution of Board of State Land Commissioners)—Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE NO. 154 (After Discharge Benefits to Persons in the Armed Forces)—Filed April 28, 1942. No petition filed.
- INITIATIVE MEASURE NO. 155 (Washington Employment Peace Act)—Filed January 10, 1944. No petition filed.
- INITIATIVE MEASURE NO. 156 (Liberalization of Old Age Assistance Laws)—Filed February 19, 1944. Re-filed as Initiative Measure No. 157.
- INITIATIVE MEASURE NO. 157 (Liberalization of Old Age Assistance Laws)—Filed March 3, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For**—240,565 **Against**—403,756.
- INITIATIVE MEASURE NO. 158 (Liberalization of Old Age Assistance Laws by the Townsend Clubs of Washington)—Filed March 28, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For**—184,405 **Against**—437,502.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 159 (Increase of Injured Workmen's Compensation)—Filed January 5, 1946. Insufficient signatures presented July 10, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 160 (Increase of Injured Workmen's Compensation)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 161 (Changing Form of General Election Ballot to Conform with Primary Election Ballot)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 162 (Prohibiting the Governor from Employing Members of the Legislature During the Term for Which He Shall Have Been Elected)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 163 (Prohibiting the Sale of Beer or Wine by any Person other than the State of Washington)—Filed January 9, 1946. Insufficient signatures presented July 6, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 164 (Prohibiting the Sale of Fortified Wines)—Filed February 25, 1946. No petition filed.
- INITIATIVE MEASURE NO. 165 (Providing for the Sale of Liquor by the Drink)—Filed March 1, 1946. Insufficient signatures presented July 8, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 166 (Relating to Public Utility Districts; requiring approval of voters as prerequisite to acquisition of any operating electrical utility properties, etc.)—Filed April 24, 1946. Signature petitions filed June 29, 1946, submitted to the voters at the state general election held on November 5, 1946. Failed by the following vote: For—220,239 Against—367,836.
- INITIATIVE MEASURE NO. 167 (Providing Liquor by the Drink at Licensed Establishments)—Filed January 2, 1948. Insufficient valid signatures presented July 6, 1948, and measure not certified to state general election ballot.
- INITIATIVE MEASURE NO. 168 (Providing Liquor by the Drink for Consumption on Premises Where Sold)—Filed January 2, 1948. No signature petitions presented for checking.
- \*INITIATIVE MEASURE NO. 169 (Providing Bonus to Veterans of World War II)—Filed January 2, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: For—438,518 Against—337,410. However, State Supreme Court ruled measure unconstitutional February 4, 1949. As consequence similar measure passed into law by 1949 Legislature (Chapter 180, Laws of 1949).
- INITIATIVE MEASURE NO. 170 (Relating to Liberalization of Social Security Laws)—Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure refiled as Initiative Measure No. 172.
- \*INITIATIVE MEASURE NO. 171 (Providing Liquor by the Drink with Certain Restrictions)—Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: For—416,227 Against—373,418. Act is now identified as Chapter 5, Laws of 1949.
- \*INITIATIVE MEASURE NO. 172 (Relating to Liberalization of Social Security Laws)—Filed February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: For—420,751 Against—352,642. Act is now identified as Chapter 6, Laws of 1949.
- INITIATIVE MEASURE NO. 173 (Providing for the Observance of Daylight Saving Time in the State of Washington)—Filed May 20, 1948. No signature petitions presented for checking.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 174 (Making application to Congress to call a Convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government)--Filed January 16, 1950. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 175 (Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under nonpartisan control)--Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).
- INITIATIVE MEASURE NO. 176 (Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation)--Filed April 20, 1950. Submitted to the voters at the state general election held on November 7, 1950. Failed to pass by the following vote: For--159,400 Against--534,689.
- INITIATIVE MEASURE NO. 177--Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.
- \*INITIATIVE MEASURE NO. 178 (Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health)--Filed May 5, 1950. Submitted to the voters at the state general election held on November 7, 1950. Measure approved into law by the following vote: For--394,261 Against--296,290. Act is now identified as Chapter 1, Laws of 1951.
- INITIATIVE MEASURE NO. 179 (Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating)--Filed May 5, 1950. No signature petitions presented for checking.
- \*INITIATIVE MEASURE NO. 180 (Authorizing the Manufacture, Sale and Use of Colored Oleomargarine)--Filed February 4, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: For--836,580 Against--163,752. Act is now identified as Chapter 1, Laws of 1953.
- \*INITIATIVE MEASURE NO. 181 (Prescribing the Observance of Standard Time)--Filed February 27, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: For--597,558 Against--397,928. Act is now identified as Chapter 2, Laws of 1953.
- INITIATIVE MEASURE NO. 182 (Repealing Sunday Blue Laws)--Filed March 24, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 183 (Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences)--Filed March 26, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 184 (Liberalizing Old Age Pension Laws)--Filed April 3, 1952. Submitted to the voters at the state general election held on November 4, 1952. Failed by the following vote: For--265,193 Against--646,534.
- INITIATIVE MEASURE NO. 185 (Liberalizing Old Age Pension Laws)--Filed April 11, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 186 (Providing a Civil Service System for Employees of County Sheriffs)--Filed April 14, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 187 (Permitting a Modified Coloring of Oleomargarine)--Filed May 15, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 188 (Raising Standards for Chiropractic Examinations)--Filed January 4, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: For--320,179 Against--493,108.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 189 (Legislative Reapportionment)--Filed January 4, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 190 (Presidential Preference Primary)--Filed January 6, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 191 (Attorneys' Fees in Probate)--Filed January 21, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 192 (Regulation of Commercial Salmon Fishing)--Filed February 16, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: For--237,004 Against--555,151.
- INITIATIVE MEASURE NO. 193 (State-Wide Daylight Saving Time)--Filed February 23, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: For--370,005 Against--457,529.
- INITIATIVE MEASURE NO. 194 (Restricting Television Alcoholic Beverage Advertising)--Filed March 26, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: For--207,746 Against--615,794.
- INITIATIVE MEASURE NO. 195 (State Toll Commission)--Filed March 30, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 196 (Amending the Unemployment Compensation Act)--Filed April 23, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 197 (Restricting Dams: Columbia River Tributaries)--Filed May 12, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 198 (Affecting Employer-Employee Relations)--Filed January 19, 1956. Submitted to the voters at the state general election held on November 6, 1956. Failed to pass by the following vote: For--329,653 Against--704,903.
- \*INITIATIVE MEASURE NO. 199 (Legislative Reapportionment and Redistricting)--Filed February 16, 1956. Submitted to the voters at the November 6, 1956 state general election. Measure approved into law by the following vote: For--448,121 Against--406,287. However, 1957 Legislature extensively amended this act by passing Chapter 289, Laws of 1957 by two-thirds approval of both branches of the Legislature.
- INITIATIVE MEASURE NO. 200 (Increasing Public Assistance Benefits)--Filed February 27, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 201 (Washington Fair Labor Standards Act)--Filed March 2, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 202 (Restricting Labor Agreements)--Filed January 6, 1958. Signature petitions filed July 3, 1958 and found sufficient. Submitted to voters at the state general election held on November 4, 1958. Failed by the following vote: For--339,742 Against--596,949.
- INITIATIVE MEASURE NO. 203 (Wood Pulp Waste Tax)--Filed February 28, 1959. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 204 (Civil Service for State Employees)--Filed January 8, 1960. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 205 (Authorizing Tavern Spirituous Liquor Licenses)--Filed January 8, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Failed by the following vote: For--357,455 Against--799,643.
- INITIATIVE MEASURE NO. 206 (Authorizing and Licensing "Denturistry")--Filed January 11, 1960. No signature petitions presented for checking.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- \*INITIATIVE MEASURE NO. 207 (Civil Service for State Employees)**--Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**--606,511 **Against**--471,730. Act is now identified as Chapter 1, Laws of 1961.
- \*INITIATIVE MEASURE NO. 208 (Authorizing Joint Tenancies in Property)**--Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**--647,529 **Against**--430,698. Act is now identified as Chapter 2, Laws of 1961.
- INITIATIVE MEASURE NO. 209 (Minimum Old Age Assistance Grants)**--Filed February 8, 1960. No signature petitions presented for checking.
- \*INITIATIVE MEASURE NO. 210 (State-Wide Daylight Saving Time)**--Filed April 15, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**--596,135 **Against**--556,623. Act is now identified as Chapter 3, Laws of 1961.
- INITIATIVE MEASURE NO. 211 (State Legislative Reapportionment and Redistricting)**--Filed January 8, 1962 by the League of Women Voters of Washington. Signature petitions filed on June 29, 1962 and as of August 22, 1962 it was determined that the necessary number of valid signatures had been submitted to certify measure to the voters for decision at the 1962 state general election. Measure was rejected by the voters by the vote: **For**--396,419 **Against**--441,085.
- INITIATIVE MEASURE NO. 212 (Repealing Certain 1961 Tax Laws)**--Filed January 8, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE MEASURE NO. 213 (Authorizing and Licensing "Dentistry")**--Filed January 8, 1962 by the Washington Society of Denturists. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE MEASURE NO. 214 (Restricting the Legislature's Tax Power)**--Filed February 19, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- \*INITIATIVE MEASURE NO. 215 (Marine Recreation Land Act)**--Filed January 3, 1964 by the Citizens for Outdoor Recreation--Marvin B. Durning, Chairman. Signature petitions filed July 3, 1964 and found sufficient. Submitted to the voters at the November 3, 1964 state general election. Measure approved into law by the following vote: **For**--665,737 **Against**--381,743. Act is now identified as Chapter 5, Laws of 1965.
- INITIATIVE MEASURE NO. 216 (Repeal--County, Regional Planning Act)**--Filed January 3, 1964 by the Committee for Private Property Rights--Joseph W. Shott, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 217 (Election of State Game Commissioners)**--Filed January 8, 1964 by the Washington State Wild Life Council, Inc.--Theodore E. Lohman, Vice President. Refiled as Initiative Measure No. 221.
- INITIATIVE MEASURE NO. 218 (Automotive Repair Regulatory Act)**--Filed January 10, 1964 by the Car Owners Association of Washington--John S. Kelly, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 219 (Repeal of Metro Enabling Act)**--Filed January 20, 1964 by the Committee on Constitutional Rights of the State of Washington--Mrs. Ann Katheryn Jensen, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 220 (Repeal of Urban Renewal Law)**--Filed January 20, 1964 by the Committee on Constitutional Rights of the State of Washington--Mrs. Ann Katheryn Jensen, Chairman. No signature petitions presented for checking.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 221 (Election of State Game Commissioners)**—Filed February 13, 1964 by the Washington State Wild Life Council, Inc.—Theodore E. Lohman, Vice President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 222 (Reallocation of Liquor Sales Revenue)**—Filed February 20, 1964 by the More & Better Schools for Washington—Lloyd M. Brown, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 223 (Extending Saturday Night Closing Hours)**—Filed February 26, 1964 by the Citizens Committee for Sensible Closing Hours—Chester W. Ramage, President. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 224 (Prohibiting City Street Parking Fees)**—Filed March 31, 1964 by the Committee to Ban Parking Meters in the State of Washington—Edward John Kiter, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 225 (Repealing State Statutes Against Discrimination)**—Filed April 23, 1964 by the Committee for Preservation of Freedom of Choice—William P. Brophy, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 226 (Cities Sharing Sales, Use Taxes)**—Filed January 10, 1966 by the Citizens' Committee for Community Betterment, Wayne C. Booth, Sr. of Seattle, Chairman. Signatures (180,896) filed July 8, 1966 and found sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and rejected by the following vote: **For**—403,700 **Against**—514,281.
- INITIATIVE MEASURE NO. 227 (Buying Back Breakable Beverage Bottles)**—Filed January 10, 1966 by W. N. Dahmen on behalf of his son Randall Douglas Dahmen of Spokane. No signatures presented for checking.
- INITIATIVE MEASURE NO. 228 (Tax Exemption: Food and Medicine)**—Filed February 1, 1966 by Karl J. Beaty of Tacoma. No signatures presented for checking.
- \*INITIATIVE MEASURE NO. 229 (Repealing Sunday Activities Blue Law)**—Filed February 17, 1966 by Lembhard G. Howell, David Sternhoff and Mark Patterson. Signatures (187,463) filed July 6, 1966 and found sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and approved into law by the following vote: **For**—604,096 **Against**—333,972. Act is now identified as Chapter 1, Laws of 1967.
- INITIATIVE MEASURE NO. 230 (Rendering Emergency Aid—Liability Limitation)**—Filed February 17, 1966 and cosponsored jointly by the Washington State Association of Fire Chiefs, Washington State Firemen's Association, and Washington Association of Sheriffs and Police Chiefs. No signatures presented for checking.
- INITIATIVE MEASURE NO. 231 (Repealing Freight Train Crew Law)**—Filed March 11, 1966 by the Committee for Transportation Economy—Fred H. Tolan, Chairman. Re filed as Initiative Measure No. 233.
- INITIATIVE MEASURE NO. 232 (Supreme Court Judges—Powers—Election)**—Filed March 14, 1966 by Walter H. Philipp of Seattle. No signatures presented for checking. Re filed as Initiative Measure No. 31 to the Legislature.
- \*INITIATIVE MEASURE NO. 233 (Repealing Freight Train Crew Law)**—Filed March 22, 1966 by same sponsors of Initiative Measure No. 231. The only change in text of Initiative Measure No. 233 was the deletion of one sentence of the preamble as contained in Section 1 of Initiative Measure No. 231. Thus, for all practical purposes, the two initiative measures cover the same legal ground. Signatures (166,866) filed July 6, 1966 and found to be sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and approved into law by the following vote: **For**—591,015 **Against**—339,978. Act is now identified as Chapter 2, Laws of 1967.
- INITIATIVE MEASURE NO. 234 (Civil Service—Certain County Employees)**—Filed March 30, 1966 by the Committee to Improve County Government. The scope of this measure

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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was limited to class AA and class A counties (King, Pierce and Spokane). In order to obtain additional support, a new proposal was drafted extending civil service to all counties and filed as Initiative Measure No. 237. For this reason, no attempt was made to obtain signatures for Initiative Measure No. 234.

- INITIATIVE MEASURE NO. 235 (**Repealing Certain Mental Health Laws**)--Filed April 1, 1966 by Mrs. Rose R. Garrett Nelson of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 236 (**Regulating Highway--Railroad Crossings**)--Filed April 15, 1966 by the Committee for the Elimination of Public Grade Crossings--Arthur J. McGinn of Spokane, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 237 (**Civil Service for County Employees**)--Filed April 15, 1966 by the Committee to Improve County Government--Anne Shannon of Des Moines, Secretary. No signatures presented for checking.
- INITIATIVE MEASURE NO. 238 (**Prohibiting Regulation of Land Use**)--Filed January 5, 1968 by the Committee for Private Property Rights--Joseph W. Shott of Olympia, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 239 (**Mandatory County Civil Service System**)--Filed January 10, 1968 by the Special Committee of the King County Employees Association--Walter P. Barclay of Seattle, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 240 (**Termination: Certain Land Use Regulations**)--Filed January 15, 1968 by Robert W. Sollars of Everett. No signatures presented for checking.
- INITIATIVE MEASURE NO. 241 (**Calling 1970 State Constitutional Convention**)--Filed February 2, 1968 by the Committee to Call a Constitutional Convention--S. Lynn Sutcliffe of Seattle, Chairman. No signatures presented for checking.
- \*INITIATIVE MEASURE NO. 242 (**Drivers' Implied Consent--Intoxication Tests**)--Filed February 8, 1968 by the Washington State Medical Association--Dr. Charles P. Larson of Seattle, Vice-President. Signatures (123,589) filed July 3, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: **For--792,242 Against--394,644**. Act is now identified as Chapter 1, Laws of 1969.
- INITIATIVE MEASURE NO. 243 (**Information for Life Insurance Purchasers**)--Filed February 19, 1968 by Theodore Radcliff of Wenatchee. No signatures presented for checking.
- INITIATIVE MEASURE NO. 244 (**State--County Tax Millage Shift**)--Filed February 23, 1969 by the Washington State Association of County Commissioners. No signatures presented for checking.
- \*INITIATIVE MEASURE NO. 245 (**Reducing Maximum Retail Service Charges**)--Filed April 4, 1968 by Joseph H. Davis, President, and Marvin L. Williams, Secretary-Treasurer of the Washington State Labor Council, AFL-CIO. Signatures (143,395) filed July 5, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: **For--642,902 Against--551,394**. Act is now identified as Chapter 2, Laws of 1969.
- INITIATIVE MEASURE NO. 246--Filed January 6, 1970 by Donald N. McDonald. Immediately after filing, the sponsor decided to abandon the initiative measure. For this reason, Attorney General did not issue ballot title and no further action was taken. Refiled January 22, 1970 as Initiative Measure No. 248.
- INITIATIVE MEASURE NO. 247 (**Increasing Maximum Retail Service Charges**)--Filed January 20, 1970 by the Washington Citizens for Competitive Credit--A. F. Carey of Seattle, Secretary-Treasurer. No signatures presented for checking.
- INITIATIVE MEASURE NO. 248 (**Property Tax Millage Rate Reallocation**)--Filed January 22, 1970 by Donald N. McDonald of Bothell. No signatures presented for checking.

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\*Indicates measure became law.



## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 249—Filed February 11, 1970 by the Committee for Bingo for Washington—State Representative Mark Litchman, Jr. of Seattle, Chairman. NOTE: Attorney General refused to issue a ballot title for this measure because, in his opinion, the initiative procedure cannot be used to amend the state constitution. No further action was taken by the sponsor.
- INITIATIVE MEASURE NO. 250 (Certain Salary Increases--Voter Approval)--Filed February 17, 1970 by the Committee for Voter Approved Salary Increases--Albert C. Navone of Seattle, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 251 (State Taxation--To Regulate Imposition)--Filed March 12, 1970 by Vick Gould of Tax Limit League, Bellevue. Signatures (135,668) filed July 3, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: For--504,779 Against--527,263.
- INITIATIVE MEASURE NO. 252 (Property Taxation--Fixing Maximum Rate)--Filed March 12, 1970 by Overtaxed, Inc.—Harley H. Hoppe, President. Due to technical reasons, the sponsor abandoned this measure and no further action was taken.
- INITIATIVE MEASURE NO. 253 (Open Land--Special Taxation Basis)--Filed March 24, 1970 by the Island County Branch of American Taxpayers Association, Inc.—John Metcalf, Vice-chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 254 (Certain Gambling Activities--Criminal Exemptions)--Filed March 26, 1970 by the Washington State Federation of Fraternal, Patriotic, City and Country Clubs—M. R. Reynolds, President. No signatures presented for checking.
- INITIATIVE MEASURE NO. 255—Filed April 20, 1970 by Robert H. Keller, Jr. of Bellingham. Refined April 23, 1970 as Initiative Measure No. 256.
- INITIATIVE MEASURE NO. 256 (Prohibiting Certain Nonrefundable Beverage Receptacles)--Filed April 23, 1970 by Robert H. Keller, Jr., of Bellingham. Signatures (188,102) filed July 1, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: For--511,248 Against--538,118.
- INITIATIVE MEASURE NO. 257 (Licensing Dog Racing--Parimutuel Betting)--Filed April 29, 1970 by Donald Nicholson of Kirkland. No signatures presented for checking.
- INITIATIVE MEASURE NO. 258 (Certain Cities--Greyhound Racing Franchises)--Filed January 7, 1972 by Donald Nicholson of Kirkland. Signatures (151,856) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: For--526,371 Against--895,385.
- INITIATIVE MEASURE NO. 259 (Providing for Presidential Preference Primary)--Filed January 7, 1972 by Bellingham Junior Chamber of Commerce of Bellingham. No signatures presented for checking.
- INITIATIVE MEASURE NO. 260 (Regulating Horse and Dog Racing)--Filed January 7, 1972 by Friends of Dog Racing (et al.) of Federal Way. No signatures presented for checking.
- INITIATIVE MEASURE NO. 261 (Liquor Sales by Licensed Retailers)--Filed January 10, 1972 by Warren B. McPherson and Robert B. Gould of Seattle. Signatures (122,241) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: For--634,973 Against--779,568.
- INITIATIVE MEASURE NO. 262 (Minimum Age--Alcoholic Beverage Purchases)--Filed January 13, 1972 by David G. Huey of Sedro Woolley. No signatures presented for checking.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 263 (**Tax Reform**)--Filed January 19, 1972 by Robert J. Corcoran of Puyallup. Refiled January 31, 1972 as Initiative Measure No. 267.
- INITIATIVE MEASURE NO. 264 (**Liberalizing State Regulation of Marijuana**)--Filed January 20, 1972 by Stephen Wilcox, Debbie Yarbrough, and Thomsen Abbott of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 265--Filed January 20, 1972 by Joe Davis of Seattle. Refiled January 25, 1972 as Initiative Measure No. 266 with new sponsor.
- INITIATIVE MEASURE NO. 266 (**Changing Congressional and Legislative Districts**)--Filed January 25, 1972 by Vernon L. Martin of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 267 (**Repealing Most Property Tax Exemptions**)--Filed January 31, 1972 by Robert J. Corcoran of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 268 (**Unicameral Legislature**)--Filed February 8, 1972 by Philip Tenney Rensvold of Olympia. (Attorney General refused to issue ballot title because of opinion that initiative procedure cannot be used to amend constitution.)
- INITIATIVE MEASURE NO. 269 (**Examinations for Diplomas and Degrees**)--Filed February 9, 1972 by Eugene Lydic of Kelso. No signatures presented for checking.
- INITIATIVE MEASURE NO. 270 (**Election Campaign Financial Reports**)--Filed February 10, 1972 by Robert Corcoran of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE NO. 271 (**Income Tax and Revenue Distribution**)--Filed February 28, 1972 by Charles Clark Marshall of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 272 (**Recreational Personal Property--Taxation Removed**)--Filed March 1, 1972 by Gary K. Ballew of Vancouver. No signatures presented for checking.
- INITIATIVE MEASURE NO. 273--Filed March 2, 1972 by Margaret C. Tunks of Seattle. Refiled March 13, 1972 as Initiative Measure No. 274 with new sponsor.
- INITIATIVE MEASURE NO. 274 (**Reducing Motor Vehicle Fuel Tax**)--Filed March 13, 1972 by Jeffrey R. Perkins of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 275 (**Regulating Nonnative Wild Animal Sales**)--Filed March 23, 1972 by Harry and June Delaloye of Seattle. No signatures presented for checking.
- \*INITIATIVE MEASURE NO. 276 (**Disclosure--Campaign Finances--Lobbying--Records**)--Filed March 29, 1972 by Michael T. Hildt of Seattle. Signatures (162,710) were submitted and found sufficient. Submitted to the voters for decision at the November 7, 1972 state general election and approved by the following vote: For--959,143 Against--372,693. Act is now identified as Chapter 1, Laws of 1973.
- INITIATIVE MEASURE NO. 277 (**Camping on Certain Ocean Beaches**)--Filed April 5, 1972 by Carl P. Hanun of Aberdeen. No signatures presented for checking.
- INITIATIVE MEASURE NO. 278 (**Tax Revision--Income Tax--Schools**)--Filed April 14, 1972 by Senator Francis E. Holman, Senator Nat Washington, and Representative Charles Moon of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 279 (**State Funding of Public Schools**)--Filed May 19, 1972 by Alvin C. Leonard, Jr., of Bothell. No signatures presented for checking.
- INITIATIVE MEASURE NO. 280 (**Limiting Special Legislative Sessions**)--Filed March 12, 1973 by Axel Julin, Chairman, Committee to Retain a Part Time Citizen Legislature. No signatures presented for checking.
- INITIATIVE MEASURE NO. 281--Filed June 8, 1973 by Bruce Helm of Alderwood Manor. Refiled June 12, 1973 as Initiative Measure No. 282 with a new sponsor, Kenneth D. Hansen of Seattle.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- \*INITIATIVE MEASURE NO. 282** (Shall state elected officials' salary increases be limited to 5.5% over 1965 levels, and judges' the same over 1972 levels?)—Filed June 12, 1973 by Kenneth D. Hansen of Seattle. Signatures (699,098) were submitted and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: For—798,338 Against—197,795. Act is now identified as Chapter 149, Laws of 1974 Extraordinary Session.
- INITIATIVE MEASURE NO. 283** (Shall it be unlawful, except in an emergency, to hitchhike, or to pick up a hitchhiker along a public highway?)—Filed January 18, 1974 by Ms. Sallyann Devine of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 284** (Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?)—Filed January 22, 1974 by Representative Charles Moon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 285** (Shall all privately or corporately owned land, including residential real estate, annually be taxed a minimum of \$2.50 per acre?)—Filed January 24, 1974 by Donn C. Higley of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 286** (Shall the membership of the legislature be reduced from forty-nine senators and ninety-eight representatives to twenty-one senators and sixty-three representatives?)—Filed January 30, 1974 by Harley H. Hoppe of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 287** (Shall salmon net fishing be prohibited in designated Puget Sound and adjacent waters unless permitted by a newly established commission?)—Filed January 31, 1974 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.
- INITIATIVE MEASURE NO. 288** (Shall couples with children under 18 be ineligible for divorce and, upon separation, shall a commission oversee their children's rights?)—Filed February 1, 1974 by Joseph Garske of Yakima. No signatures presented for checking.
- INITIATIVE MEASURE NO. 289** (Shall additional gambling activities, including slot machines and card rooms, be legalized, local regulation prohibited, and the state gambling commission replaced?)—Filed February 4, 1974 by Roy Needham of Yakima. No signatures presented for checking.
- INITIATIVE MEASURE NO. 290** (Shall liquor prices be limited and revenue distribution formulas changed, a new seven-member liquor board created, and an administrator appointed?)—Filed February 25, 1974 by Senator William S. "Bill" Day of Spokane. No signatures presented for checking.
- INITIATIVE MEASURE NO. 291** (Shall parents and other persons be prohibited from inflicting or threatening bodily punishment upon children or mentally retarded persons?)—Filed March 12, 1974 by Ms. Shirley Amiel of Bellevue. No signatures presented for checking.
- INITIATIVE MEASURE NO. 292** (Shall criminal penalties for state traffic law violations and laws imposing state retail sales taxes and use taxes be repealed?)—Filed March 18, 1974 by Jack Zektzer of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 293** (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed and merit salary systems adopted?)—Filed March 18, 1974 by Senator Hubert F. Donohue of Dayton. No signatures presented for checking.
- INITIATIVE MEASURE NO. 294** (Shall the legislature be reduced to 21 senators and 63 representatives elected from single-member districts established by this initiative?)—Filed March 26, 1974 by Elizabeth J. Bracelin and Robert L. Burnham, Cosponsors. No signatures presented for checking.
- INITIATIVE MEASURE NO. 295** (Shall the retail sales tax be eliminated on sales of food, clothing, medicines and medical devices, and residential construction costs?)—Filed April

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- 4, 1974 by Richard Dymont, Chairman, Libertarian Party of Washington. No signatures presented for checking.
- INITIATIVE MEASURE NO. 296 (Shall the 1973 law substituting principles of comparative negligence for those of contributory negligence in civil damage actions be repealed?)**--Filed April 9, 1974 by James M. Petra of Chehalis. No signatures presented for checking.
- INITIATIVE MEASURE NO. 297 (Shall any gambling activities be legal when licensed by the state gambling commission and authorized by the municipality where conducted?)**--Filed April 15, 1974 by Gary Bacon, Chairman, Committee for Local Option. No signatures presented for checking.
- INITIATIVE MEASURE NO. 298 (Shall an Initiative be adopted stating that no person shall serve for more than eight consecutive years in the legislature?)**--Filed May 10, 1974 by Harry S. Foster of Edmonds. No signatures presented for checking.
- INITIATIVE MEASURE NO. 299 (Shall the tax on retail sales of liquor (spirits) in the original package be reduced by two cents per ounce?)**--Filed May 13, 1974 by Alfred J. Schweppe on behalf of the Citizens Committee for Lower Liquor Taxes. Signatures (134,695) filed July 5, 1974. Petition failed. Not enough valid signatures obtained to place the measure on the November 5, 1974 state general election ballot.
- INITIATIVE MEASURE NO. 300 (Shall certain rights of parents regarding public school curricula and teaching materials be defined and some school district programs restricted?)**--Filed May 13, 1974 by Ms. Sally F. Tinner of Steilacoom. No signatures presented for checking.
- INITIATIVE MEASURE NO. 301 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed?)**--Filed January 16, 1975 by Ms. Dorothy Roberts of Bellevue. No signatures presented for checking.
- INITIATIVE MEASURE NO. 302 (Shall the minimum age for the purchase or consumption of alcoholic beverages be lowered to 18 years?)**--Filed January 28, 1975 by Ms. Diahn Schmidt of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 303 (Shall an initiative be adopted declaring persons having served in the Congress a total of twelve years ineligible for reelection?)**--Filed January 29, 1975 by Gene Goosman, Sr. of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 304 (Shall a new commission appoint the director of fisheries and manage food fish and shellfish for commercial and recreational purposes?)**--Filed February 3, 1975 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.
- INITIATIVE MEASURE NO. 305 (Shall the legal age for the use and consumption of alcoholic beverages be lowered to 19 years?)**--Filed February 6, 1975 by Richard Spaulding and William G. Bowie, both of Cheney. No signatures presented for checking.
- INITIATIVE MEASURE NO. 306 (Shall state appropriations be limited to 9% of state personal income and decreases in state support to municipalities be restricted?)**--Filed February 13, 1975 by Kenneth D. Hansen of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 307 (Shall some common school curricula be specified, teaching methods limited and written parental consent to certain school activities be required?)**--Filed March 7, 1975 by Paul O. Snyder of Tacoma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 308 (Shall sales and business and occupation taxes be removed from certain transactions involving clothing, food, shelter, and health care products?)**--Filed March 10, 1975 by Carl R. Nicolai of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 309 (Shall the Shoreline Management Act of 1971 and the subsequent amendments to that Act be repealed?)**--Filed March 14, 1975 by James Mark Toevs of Chehalis. No signatures presented for checking.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 310 (Shall the present forest practices act be repealed and be replaced with provisions relating solely to requirements for reforestation?)--Filed March 18, 1975 by Ms. Betty J. Wells of Camano Island. No signatures presented for checking.
- INITIATIVE MEASURE NO. 311 (Shall the death penalty be mandatory in cases of first degree murder and the definitions of degrees of murder revised?)--Filed March 20, 1975 by Representative Earl F. Tilly. No signatures presented for checking.
- INITIATIVE MEASURE NO. 312 (Shall an initiative be passed lowering certain real property taxes to 1960 levels, or, if greater, those at last transfer?)--Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 313 (Shall the names of signers of initiative and referendum petitions be confidential and the petitions destroyed after they are canvassed?)--Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.
- INITIATIVE MEASURE NO. 314 (Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?)--Filed April 16, 1975 by Representative Charles Moon of Snohomish. Signatures (136,077) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was rejected by the following vote: For--323,831 Against--652,178.
- INITIATIVE MEASURE NO. 315 (Shall maximum income levels entitling elderly and disabled persons to certain property tax exemptions be raised to \$10,000.00?)--Filed April 18, 1975 by Representatives Elcanor A. Fortson and John M. Fischer. No signature petitions presented for checking.
- \*INITIATIVE MEASURE NO. 316 (Shall the death penalty be mandatory in the case of aggravated murder in the first degree?)--Filed May 26, 1975 by Representative Earl Tilly of Wenatchee. Signatures (134,290) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was approved by the following vote: For--662,535 Against--296,257. Act is now identified as Chapter 9, Laws of 1975-'76 2nd Extraordinary Session.
- INITIATIVE MEASURE NO. 317 (Shall evidence of speeding violations obtained by radar, certain other electronic devices or unmarked police vehicles be inadmissible in court?)--Filed January 2, 1976 by David L. Bovy of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 318 (Shall all minimum age requirements of twenty-one years be reduced to eighteen?)--Filed January 6, 1976 by Martin Ringhofer of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 319 (Shall an initiative be adopted memorializing Congress to call a federal constitutional convention to limit taxation on income?)--Filed January 7, 1976 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 320 (Shall new or increased taxes be prohibited and regular property taxes retained in the districts where they are collected?)--Filed January 2, 1976 by Shirley Amiel of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 321 (Shall municipalities be empowered to permit gambling within their boundaries, licensed by the state, with tax revenues allocated to schools?)--Filed January 13, 1976 by William O. Kumbera and the Committee for Tax Relief Through Local Option Gambling of Ocean Shores. Signatures (136,006) submitted and found insufficient to qualify measure to the state general election ballot.
- INITIATIVE MEASURE NO. 322 (Shall fluoridation of public water supplies be made unlawful and violations subject to criminal penalties?)--Filed January 2, 1976 by Caroline A. Sudduth of Seattle. Signatures (135,441) submitted and found insufficient to qualify measure to the state general election ballot. Suit was filed with Thurston County Superior Court against the Secretary of State and on appeal to the Supreme Court, Initiative Measure No. 322 was placed on the general election ballot on October 13. It was rejected

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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at the November 2, 1976 general election by the following vote: For—469,929 Against—870,631.

**INITIATIVE MEASURE NO. 323 (Shall an initiative be adopted declaring that no person shall hold most state elective offices more than twelve consecutive years?)**—Filed January 2, 1976 by Senator Peter von Reichbauer of Burton and Jack Metcalf of Langley. No signature petitions presenting for checking.

**INITIATIVE MEASURE NO. 324 (Shall the Shoreline Management Act of 1971 and subsequent amendments to that act be repealed?)**—Filed January 12, 1976 by Melvin G. Toyne of Mt. Vernon. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 325 (Shall future nuclear power facilities which do not meet certain conditions and receive two-thirds approval by the legislature be prohibited?)**—Filed February 3, 1976 by David C. H. Howard of Olympia. Signatures (approximately 165,000) submitted and found sufficient. Submitted to the voters at the November 2, 1976 general election and rejected by the following vote: For—482,953 Against—963,756.

**INITIATIVE MEASURE NO. 326 (Shall grocery store sales of spirituous liquor be allowed, revenue distribution formulas changed, and the state liquor control board reconstituted?)**—Filed March 17, 1976 by Ruth Berliner of Tacoma. Sponsorship of initiative withdrawn May 17, 1976.

**INITIATIVE MEASURE NO. 327 (Shall commercial fishing and shellfishing be banned on Hood Canal until a sufficient supply is found to exist?)**—Filed March 12, 1976 by J.L. Parsons of Union. Re filed as Initiative Measure No. 330.

**INITIATIVE MEASURE NO. 328 (Relating to Term Limitation)**—Filed March 16, 1976 by Patrick W. Biggs of Seattle for the Thomas Jefferson Society. Attorney General declined to prepare ballot title.

**INITIATIVE MEASURE NO. 329 (Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?)**—Filed March 26, 1976 by C.R. Lonergan, Jr. of Seattle. Signatures (120,621) submitted and found insufficient to qualify measure for state general election ballot.

**INITIATIVE MEASURE NO. 330 (Shall the commercial taking of fish, crab and shrimp be banned on Hood Canal until a sufficient supply is available?)**—Filed April 12, 1976 by J.L. Parsons of Union. Re filed as Initiative to the Legislature No. 52.

**INITIATIVE MEASURE NO. 331 (Shall future school district special levies for operations be prohibited and previously approved operational levies for collection in 1977 be reduced?)**—Filed March 27, 1976 by Jerold W. Thiedt of Monroc. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 332 (Shall the state be removed from the liquor business in favor of large grocers and certain other private business enterprises?)**—Filed April 19, 1976 by Robert B. Gould and Warren McPherson of Woodinville. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 333 (Shall a single pension system, coordinated with social security, replace existing systems for most public employees hired after June 30, 1977?)**—Filed April 19, 1976 by Senator August P. Mardesich of Everett. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 334 (Shall the fluid ounce tax on spirituous liquor in the original package be lowered from four to two cents?)**—Filed April 29, 1976 by Juanita K. Heaton of Seattle. No signature petitions presented for checking.

**\*INITIATIVE MEASURE NO. 335 (Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?)**—Filed January 10,

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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1977 by C.R. Lonergan, Jr. of Seattle. Signatures (175,998) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: For—522,921 Against—431,989. Act is now identified as Chapter 1, Laws of 1979.

**INITIATIVE MEASURE NO. 336 (Shall every municipality be authorized to permit all forms of state licensed gambling with tax revenues allocated to schools?)—**Filed January 11, 1977 by William O. Kumbra of The Committee for Tax Relief Through Local Option Gambling in Ocean Shores. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 337 (Shall an initiative be adopted promoting the pursuit of peace through principals of mutual love and respect?)—**Filed January 10, 1977 by Kevin McKeigue of Seattle. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 338 (Shall driving motor vehicles up to 10 M.P.H. over the maximum speed limit be subject to fines not exceeding \$15.00?)—**Filed January 10, 1977 by Timothy Ramey of Seattle. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 339 (Shall the use of electronic voting devices and electronic vote tallying systems in any election in this state be prohibited?)—**Filed January 24, 1977 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 340 (Shall a convention be called to propose a new state constitution for approval or rejection by the people in 1979?)—**Filed January 20, 1977 by Tom A. Alberg, Citizens Coalition for a Constitutional Convention of Seattle. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 341 (Shall minimum age requirements for various purposes other than drinking alcoholic beverages be reduced to eighteen years?)—**Filed February 7, 1977 by Martin Ringhofer of Seattle. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 342 (Shall an initiative be adopted urging all state legislatures to reject and rescind approval of the federal equal rights amendment?)—**Filed February 15, 1977 by Mrs. J.L. Glesener of Kennewick. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 343 (Shall state property taxes be eliminated, all other taxes limited, and state support levels for local government, including schools, mandated?)—**Filed February 29, 1977 by Shirley Amiel, State Tax Freeze and School Funding Initiative Political Committee of Bellevue. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 344 (Shall the laws of the state be rewritten by January 1, 1981, to eliminate, if possible, ambiguity, redundancy and complexity?)—**Filed March 7, 1977 by Patrick M. Crawford of Tumwater. No signature petitions presented for checking.

**\*INITIATIVE MEASURE NO. 345 (Shall most food products be exempt from state and local retail sales and use taxes, effective July 1, 1978?)—**Filed March 30, 1977 by J. Linsey Hinand, Chairperson. Signatures (168,281) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: For—521,062 Against—443,840. Act is now identified as Chapter 2, Laws of 1979.

**INITIATIVE MEASURE NO. 346 (Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?)—**Filed May 31, 1977 by Susan Sink of Seattle. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 347 (Shall payment of legislator's per diem allowances be limited to 120 days in odd-numbered years and 60 days in even-numbered years?)—**Filed June 13, 1977 by Robert B. Overstreet of Everett. No signature petitions presented for checking.

**INITIATIVE MEASURE NO. 348 (Shall the new variable motor vehicle fuel tax be repealed and the previous tax and distribution formula be reinstated?)—**Filed June 29, 1977 by Harley Hoppe of Mercer Island. Signatures (202,168) submitted and found sufficient.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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Submitted to the voters at the November 8, 1977 general election and after a mandatory recount was rejected by the following vote: For--470,147 Against--471,031.

**INITIATIVE MEASURE NO. 349 (Shall minimum age requirements for various purposes other than for drinking alcoholic beverages be reduced to eighteen years?)**--Filed January 12, 1978 by Mr. Martin Ringhofer of Seattle. Sponsor failed to submit signatures for checking.

**\*INITIATIVE MEASURE NO. 350 (Shall public educational authorities be prohibited from, assigning students to other than the nearest or next-nearest school with limited exceptions?)**--Filed February 10, 1978 by Mr. Ben Caley of Seattle. Signatures (182,882) submitted and found sufficient. Submitted to the voters at the November 7, 1978 general election and was approved by the following vote: For--585,903 Against--297,991. Act is now identified as Chapter 4, Laws of 1979.

**INITIATIVE MEASURE NO. 351 (Shall the age at which persons may purchase, consume or sell alcoholic beverages be lowered from 21 to 19 years?)**--Filed February 24, 1978 by Timothy J. Niggemeyer of Spokane. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 352 (Shall property owners not be liable for a trespasser's injury, unless the property owner intentionally and knowingly caused the injury?)**--Filed February 27, 1978 by Gayle Crawford of Olympia. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 353 (Shall all containers of alcoholic beverages clearly bear the warning "Contents may cause brain damage, communication breakdown and family degradation"?)**--Filed April 28, 1978 by June and Pam Riggs of Mountlake Terrace. Sponsors failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 354 (Shall the first \$10,000 value of a residence regularly occupied by its owner or tenant be exempt from property taxes?)**--Filed May 5, 1978 by Harley Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 355 (Refiled as Initiative Measure No. 356)**

**INITIATIVE MEASURE NO. 356 (Shall gambling and lotteries be permitted, and time and food sale limitations removed from sales of liquor by the drink?)**--Filed May 23, 1978 by Mr. James Banker of Renton. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 357 (Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?)**--Filed May 9, 1978 by Ms. Susan M. Sink of Seattle. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 358 (Shall assessed valuations of retired persons' residences remain unchanged and nonvoted school levies generally be limited to 6% annual increase?)**--Filed May 31, 1978 by Harley H. Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 359 (Shall increases in state tax revenues and expenditures be limited to the estimated rate of growth of state personal income?)**--Filed June 6, 1978 by Mr. Will Knedlik of Kirkland. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 360 (Shall an initiative be adopted limiting property taxes to 1% of value and requiring 2/3 legislative approval to change taxes?)**--Filed June 8, 1978 by Msrs. J. Van Self and A. M. Lee Parker of Tacoma. Sponsors submitted signatures but they were insufficient to appear on the November ballot.

**INITIATIVE MEASURE NO. 361 (Shall minimum age requirements for various purposes other than for drinking alcoholic beverages be reduced to eighteen years?)**--Filed January 8, 1979 by Mr. Martin Ringhofer of Seattle. No signatures were presented for checking.

**INITIATIVE MEASURE NO. 362 (Shall an initiative be adopted prohibiting the possession, construction, transportation or sale of nuclear weapons within the state of Washington?)**--Filed January 19, 1979 by Mr. Randal South of Seattle. No signatures were presented for checking.

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\*Indicates measure became law.



## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 363 (Shall strikes by public school teachers and other certificated employees be prohibited and penalties imposed for participation in such strikes?)—Filed January 31, 1979 by Mr. Alan Gottlieb of Bellevue. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 364 (Shall persons with physical handicaps be allowed to serve in the state militia and state and local law enforcement units?)—Filed February 1, 1979 by Mr. Daniel M. Jones of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE No. 365 (Shall liquor retailing become a private business and a new five-member Liquor Control Board be created?)—Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 366 (Shall liquor retailing become a private business and any required food to liquor sales ratio in licensed restaurants be prohibited?)—Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 367 (Shall nursing homes be required to pay employees wages and benefits equal to those paid hospital employees performing comparable work?)—Filed February 9, 1979 by Mr. John W. Hempelmann of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 368 (Shall the state be absolutely prohibited from levying any property taxes and school districts be similarly restricted?)—Filed February 16, 1979 by Mr. John R. McBride of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 369 (Shall the possession or sale of firearms be restricted, and mandatory sentences imposed for the commission of crimes involving firearms?)—Filed February 26, 1979 by Mr. Steven L. Kendall of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 370 (Shall a presidential preference primary be held to determine the percentage of delegate positions allocated each major political party candidate?)—Filed March 30, 1979 by Mr. Edward H. Hilscher of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 371 (Shall nuclear facilities be required to meet certain safety and liability standards and obtain state-wide voter approval prior to operation?)—Filed April 26, 1979 by Mr. William C. Montague of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 372 (State Lottery)—Filed January 4, 1980 by Mr. Lawrence C. Clever of Olympia. This measure was refiled as Initiative Measure No. 380.
- INITIATIVE MEASURE NO. 373 (Shall a Retiree's Residence be Taxed at its 1977 Value or, when Retirement Occurs after 1981, its Retirement Year Value?)—Filed January 4, 1980 by Doyle R. Conner of Longview. No signatures presented for checking.
- INITIATIVE MEASURE NO. 374 (Shall Property Tax Increases be Limited to Two Percent Annually and Special Property Tax Exemptions Granted to Retired Persons?)—Filed January 4, 1980 by Bill E. Hughes of Vancouver. No signatures presented for checking.
- INITIATIVE MEASURE NO. 375 (Shall There be Mandatory Minimum Sentences, Restricted Local Firearms Regulations, No Affirmative Action for Police and Firemen, and Additional Prisons?)—Filed by Kent Pullen of Kent. No signatures presented for checking.
- INITIATIVE MEASURE NO. 376 (Shall Minimum Age Requirements for Various Legal Purposes, other than for Allowing Alcoholic Beverage consumption, be Reduced to Eighteen Years?)—Filed January 16, 1980 by Martin Ringhofer of Seattle. No signature presented for checking.
- INITIATIVE MEASURE NO. 377 (Shall Liquor Retailing Become a Private Business and any Required Food to Liquor Sales Ratio in Licensed Restaurants be Prohibited?)—Filed January 24, 1980. No signatures presented for checking. Sponsored by Walter M. Friel of Tacoma.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 378 (Shall the State be Absolutely Prohibited from Levying any Property Taxes and School Districts be Similarly Restricted with Limited Exceptions?)—Filed by Art Lee of Bellingham. No signatures presented for checking.
- INITIATIVE MEASURE NO. 379 (Shall Binding Arbitration of Public School Collective Bargaining Disputes be Required, Strikes by Public School Employees Prohibited and Penalties Established?)—Filed by Cathleen R. Pearsall of Tacoma. No signatures presented for checking. Filed on February 11, 1980.
- INITIATIVE MEASURE NO. 380 (Shall a State Lottery be Established and Operated by the Gambling Commission, with the Profits Deposited in the General Fund?)—Filed February 11, 1980 by Lawrence C. Clever of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 381 (Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions Including Rodent Control and Public Health?)—Filed January 31, 1980 by Curtiss J. Clumpner and Howard F. McGraw of Bellingham. The sponsors refiled the measure as No. 386.
- INITIATIVE MEASURE NO. 382 (Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?)—Filed February 15, 1980 by Tom Casey. Measure was later refiled as No. 385.
- \*INITIATIVE MEASURE NO. 383 (Shall Washington Ban the Importation and Storage of Non-medical Radioactive Wastes Generated Outside Washington, Unless Otherwise Permitted by Interstate Compact?)—Filed February 7, 1980 by Allan H. Jones of Seattle. Sponsor submitted 148,166 signatures and the measure was subsequently certified to the ballot. Submitted to the voters at the November 4, 1980 general election and was approved by the following vote: For—1,211,606 Against—393,415.
- INITIATIVE MEASURE NO. 384 (Shall Limitations on Property Taxes and Assessments be Imposed and Other Tax Increases Prohibited Except by a Two-thirds Legislative Vote?)—Filed February 20, 1980 by Normal Hildebrand of Tacoma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 385 (Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?)—Filed March 3, 1980 by Tom Casey of Elma. No signatures presented for checking.
- INITIATIVE MEASURE NO. 386 (Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions, Including Rodent Control and Public Health?)—Filed March 3, 1980 by Curtiss Clumpner of Lynnwood. No signatures presented for checking.
- INITIATIVE MEASURE NO. 387 (Shall Political Contributions and Campaign Practices be Limited, Conflicts of Interest Regulated, Disclosure Requirements Increased and Statutes in Conflict Repealed?)—Filed March 11, 1980 by Ann Quantock of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 388 (Shall Congress be Memorialized to Create a Space Shuttle/Energy Lottery to Increase Space Travel and Achieve Energy Independence?)—Filed March 11, 1980 by Jeff Vale of Des Moines. No signatures presented for checking.
- INITIATIVE MEASURE NO. 389 (Shall it be Unlawful to Drive a Motor Vehicle Between the Hours of One and Two O'Clock on Sunday Afternoon?)—Filed March 12, 1980 by Keith G. Wesley of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 390 (Shall Private Retailers Replace State Liquor Stores with Sunday Package Sales Permitted, Tax Rates Revised and Certain Licensing Conditions Prohibited?)—Filed April 1, 1980 by John Franco of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE NO. 391 (Shall an Initiative be Adopted Providing that all Washington Land Shall be Taxed Exclusive of any Improvements on the Land?)—Filed

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- April 11, 1980 by Jimmy D. Whittenburg of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE NO. 392 (Shall a retiree's residence be taxed at its 1977 value or, when retirement occurs after 1982, its retirement year value?)**--Filed January 19, 1981 by Doyle R. Conner of Longview. No signatures presented for checking.
- INITIATIVE MEASURE NO. 393 (Shall all timber sold by the state, or any political subdivision, be primarily processed within the state, and violations penalized?)**--Filed January 5, 1981 by Brian Sirls of Tacoma. No signatures presented for checking.
- \*INITIATIVE MEASURE NO. 394 (Shall public agencies obtain voter approval prior to issuing bonds for the construction or acquisition of major public energy projects?)**--Filed January 6, 1981 by Steve Zemke of Seattle. Sponsor submitted 185,984 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 3, 1981 general election and was approved by the following vote: For--532,178 Against--384,419
- INITIATIVE MEASURE NO. 395 (Shall all property be taxable based on 1977 valuations; revaluations be prohibited; and excess school levies required two-thirds voter approval?)**--Filed January 5, 1981 by Art Lee of Bellingham. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 396 (Shall voter approval be required to construct or finance public or private energy facilities costing more than one billion dollars?)**--Filed January 19, 1981 by Gretchen J. Hendricks and Jim Lazar of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 397 (Shall an initiative be adopted requiring the legislature to petition Congress to call a constitutional convention to roll back gasoline prices?)**--Filed January 19, 1981 by Robert G. Materson of Ellensburg. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 398 (Inheritance and Gift Tax)**--Filed by Dick Patten of Seattle. This measure was refiled as Initiative Measure No. 402.
- INITIATIVE MEASURE NO. 399 (Shall inheritance and gift taxes be abolished, and state death taxes be restricted to the federal estate tax credit allowed?)**--Filed February 19, 1981 by Dick Patten of Seattle. Sponsor refiled this initiative as Initiative Measure No. 402.
- INITIATIVE MEASURE NO. 400 (Shall excise, inheritance, gift and property taxes be replaced by a transaction tax on receiving property, limited to one percent?)**--Filed March 27, 1981 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 401 (Shall contributions to legislative candidates be limited, publicity practices regulated, disclosure required, and civil enforcement and criminal penalties be imposed?)**--Filed April 1, 1981 by Carol Jean Coe of Federal Way. The sponsor presented 141,282 signatures for checking. These signatures were found insufficient to qualify for the general election ballot.
- \*INITIATIVE MEASURE NO. 402 (Shall inheritance and gift taxes be abolished, and state death taxes be restricted to the federal estate tax credit allowed?)**--Filed April 3, 1981 by Dick Patten of Seattle. The sponsor presented 161,449 signatures for checking. The measure was subsequently certified to the ballot. Submitted to the voters at the November 3, 1981 general election and was approved by the following vote: For--610,507 Against--297,445.
- INITIATIVE MEASURE NO. 403 (Shall the legal possession of handguns or handgun ammunition be restricted, licensing requirements be broadened and criminal penalties be imposed?)**--Filed March 16, 1981 by Steven L. Kendall of Seattle. No signatures were presented for checking.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 404 (Shall an independent commission be responsible for both congressional and legislative redistricting every ten years according to certain prescribed standards?)—Filed April 30, 1981 by Jolene Unsoeld of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 405 (Alcoholic beverages)—Filed April 23, 1981 by Robert J. Corcoran of Puyallup. This measure was refiled as Initiative Measure No. 406.
- INITIATIVE MEASURE NO. 406 (Shall all liquor retailing become a private business subject to certain restrictions, and the tax on liquor sales be reduced?)—Filed May 15, 1981 by Robert J. Corcoran of Puyallup. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 407 (Shall the crime victims' compensation program be continued, funds appropriated, and programs established to provide information to victims and witnesses?)—Filed May 20, 1981 by Manuel E. Costa of Marysville. This measure was refiled as Initiative to the Legislature No. 75.
- INITIATIVE MEASURE NO. 408 (Motor fuel taxes)—Filed May 20, 1981 by Harley H. Hoppe of Mercer Island. This measure was refiled as Initiative Measure No. 409.
- INITIATIVE MEASURE NO. 409 (Shall the motor vehicle fuel and license tax laws be amended to restore prior tax rates and revise revenue distribution?)—Filed June 1, 1981 by Harley H. Hoppe of Mercer Island. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 410 (Shall all real and personal property be taxable on the basis of 1977 valuations and any revaluation thereafter be prohibited?)—Filed January 4, 1982 by Arthur E. Lee of Wenatchee. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 411 (Shall most maximum loan and retail sales interest rates be the higher of 12% or 1% over the discount rate?)—Filed January 4, 1982 by Marvin L. Williams and Lawrence G. Kenney of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 412 (Shall the maximum interest rate on retail sales be the higher of 12% or 1% over the federal discount rates?)—Filed January 4, 1982 by Marvin L. Williams and Lawrence G. Kenney of Seattle. The sponsors submitted 183,249 signatures for checking. The measure was subsequently certified to the ballot. Submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For—452,710 Against—880,135.
- INITIATIVE MEASURE NO. 413 (Shall the present state owned and operated liquor distribution system be abolished and replace with licensed privately owned liquor dealers?)—Filed January 6, 1982 by Robert J. Corcoran of Puyallup. This measure refiled as Initiative No. 434.
- INITIATIVE MEASURE NO. 414 (Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?)—Filed January 7, 1982 by Robert C. Swanson (Citizens for a Cleaner Washington) of Seattle. The sponsors submitted 193,347 signatures for checking. The measure was subsequently certified to the ballot. It was submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For—400,156 Against—965,951.
- INITIATIVE MEASURE NO. 415 (Shall a state board of dentistry be established to license and regulate the practice of dentistry independent of licensed dentists?)—Filed January 19, 1982 by Homer A. Moulthrop (Citizens of Washington for Independent Dentistry) of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 416 (Shall voter approval be required to increase private utility rates by more than eight percent in any twelve-month period?)—Filed January 27, 1982 by Wilmot A. Hall, Jr. of Olympia. This measure refiled as Initiative No. 419.
- INITIATIVE MEASURE NO. 417 (Shall the taxable value of principal residences of retirees over 60 be frozen at 75% of current assessed value?)—Filed January 27, 1982 by Ann Clifton of Olympia. No signatures were presented for checking.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 418 (Shall the state's temporarily increased retail sales and use tax rate be reduced from 5.5% to 4.5%)—Filed February 8, 1982 by Gregory R. McDonald of Redmond. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 419 (Shall voter approval be required to increase most utility rates by more than eight percent in any twelve-month period?)—Filed February 11, 1982 by Wilmot A. Hall of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 420 (Shall all penalties, taxes and other limitations pertaining to the use, possession, cultivation, sale or transportation of marijuana be removed?)—Filed February 22, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 421 (Shall emission limitations for motor vehicles, air quality standards relating to such emissions, and vehicle emission inspection programs be abolished?)—Filed February 22, 1982 by Douglas L. Solbeck and Linda D. Solbeck of Lynnwood. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 422 (Shall a transaction tax on money and property transfers, not exceeding 1%, be substituted for excise, inheritance and property taxes?)—Filed February 10, 1982 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 423 (Shall most sales or transfers of vehicles, aircraft and boats be taxed at current values, less trade-in, unless previously taxed?)—Filed February 25, 1982 by Stephen Michael and Earl N. Dunham of Longview. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 424 (Number assigned in error.)
- INITIATIVE MEASURE NO. 425 (Shall state marijuana criminal prohibitions, except sales for profit, be repealed but municipal prohibitions be permitted for those under eighteen?)—Filed March 12, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 426 (Shall the value of trade-ins of like kind be subtracted from the tax base for state sales and use taxes?)—Filed March 12, 1982 by Stephen Michael and Earl N. Dunham of Longview. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 427 (Shall the state Industrial Insurance Act be amended so as to eliminate the option for covered employers to self-insure?)—Filed March 4, 1982 by Jack C. Martin of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 428 (Shall per diem, travel expenses and moving allowances to public officers, employees, board members and elected officials be largely prohibited?)—Filed March 2, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 429 (Shall public officers' salaries be reduced to 1979 levels; benefits eliminated; and any further salary increases conditioned upon voter approval?)—Filed March 2, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 430 (Shall the possession, use, cultivation and transportation of marijuana by persons nineteen years of age and older be legalized?)—Filed March 25, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 431 (Shall laws concerning lobbying, political fund raising, and the use of such funds be amended, with fees and penalties imposed?)—Filed March 10, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 432 (Shall monthly grants of Aid to Families with Dependent Children be limited to \$300 or \$450, depending upon family size?)—Filed March 16, 1982 by Robert S. Havens and Jean M. Havens of Spokane. No signatures were presented for checking.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 433 (Shall able persons receiving aid to families with dependent children be required to participate in a community work experience program?)—Filed March 19, 1982 by Robert S. Havens and Jean M. Havens of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 434 (Shall the state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?)—Filed April 13, 1982 by Robert J. Corcoran of Puyallup. This initiative was withdrawn and later filed as Initiative to the Legislature No. 78.
- INITIATIVE MEASURE NO. 435 (Shall corporate franchise taxes, measured by net income, replace sales taxes on food and state corporate business and occupation taxes?)—Filed April 12, 1982 by Dr. James A. McDermott of Seattle. The sponsor submitted 250,285 signatures for checking. The measure was subsequently certified to the ballot. It was submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For—453,221 Against—889,091.
- INITIATIVE MEASURE NO. 436 (Shall most food products be exempt from state and local retail sales and use taxes, effective December 2, 1982?)—Filed April 16, 1982 by Gregory McDonald of Redmond. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 437 (Shall the Food Tax Elimination Act of 1982, exempting most food products from retail sales and use taxation be enacted?)—Filed April 15, 1982 by Stephen Michael and Frank Brunner of Lacey. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 438 (Shall tuition and fees be reduced, and the legislature set future increases based on a percentage of the educational costs?)—Filed April 16, 1982 by Dennis Eagle (People for Affordable College Tuition) of Bremerton. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 439 (Shall county energy allocations in energy emergencies be in direct proportion to the percentage voting against Initiative 394 in 1981?)—Filed May 5, 1982 by Richard Hastings of Pasco. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 440 (Shall sellers of home electronic equipment be licensed and commercial repairers of such equipment be required to meet competency standards?)—Filed April 20, 1982 by Carl E. McDonald of Sunnyside. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 441 (Shall Initiative 394, requiring voter approval of bonds for major energy project construction or acquisition by public agencies, be repealed?)—Filed April 27, 1982 by David L. Moore of Richland. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 442 (Shall the present gambling act be repealed, broader gambling activities authorized, taxes imposed, and certain revenues be dedicated to schools?)—Filed April 30, 1982 by Harry Rowe (Committee for Gambling Taxes for Schools) of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 443 (Shall the present gambling act be repealed, broader gambling activities authorized, taxes imposed, and certain revenues be dedicated to schools?)—Filed May 25, 1982 by Clifford A. Stone of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 444 (Shall a tax not to exceed 1% be imposed upon transfers of money or property and present taxes be repealed?)—Filed January 14, 1983 by Clarence P. Keating of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 445 (Shall eligibility for appointment to Game Commission be restricted; fees reduced; and processing of wildlife claims be eliminated?)—Filed January 14, 1983 by David Littlejohn of Olympia. No signatures were presented for checking.

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- INITIATIVE MEASURE NO. 446 (Shall elections be held to approve or disapprove the performance of state agencies designated by petitions signed by 10,000 registered voters?)**—Filed January 31, 1983 by James R. Collier of Silverdale. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 447 (Shall the present Gambling Act be repealed; broader gambling activities authorized; taxes imposed; and certain revenues dedicated to schools?)**—Filed February 14, 1983 by Audrey Stone of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 448 (Shall retail sales and use taxes be reduced, the watercraft use tax eliminated, and a penalty for tax nonpayment reduced?)**—Filed February 25, 1983 by Kent Pullen of Kent. This measure refiled as Initiative Measure No. 452.
- INITIATIVE MEASURE NO. 449 (Elimination of WPPSS)**—Filed March 1, 1983 by Theodore A. Mahr of Olympia. This measure refiled as Initiative Measure No. 451.
- INITIATIVE MEASURE NO. 450 (Attorney General declined to prepare a ballot title)**—Filed March 4, 1983 by John A. Kilma of Mercer Island. This measure refiled as Initiative Measure No. 453.
- INITIATIVE MEASURE NO. 451 (Shall laws relating to electrical joint operating agencies be repealed and existing agencies be directed to sell assets and terminate?)**—Filed March 7, 1983 by Theodore Mahr of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 452 (Shall the state sales tax be reduced to 4.5% and business and occupation surtaxes and boat excise taxes be repealed?)**—Filed March 11, 1983 by Kent Pullen of Kent. The sponsors submitted 146,689 signatures for checking. Verification was not complete at time of publication.
- INITIATIVE MEASURE NO. 453 (Shall the federal Internal Revenue Service's notices of the Privacy and Paper Work Reduction Acts be, by state law declarations, prohibited?)**—Filed March 21, 1983 by John A. Kilma of Mercer Island. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 454 (Shall abortions, unless necessary to preserve life, be ineligible for state medical aid to categorically needy persons under Title XIX?)**—Filed March 28, 1983 by James L. King, Jr. of Tacoma. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 455 (Shall the state be directed to seek, to require payment in gold of state held securities having a gold clause?)**—Filed January 9, 1984 by Robert Ellison of Seattle. This measure refiled as Initiative Measure No. 461.
- \*INITIATIVE MEASURE NO. 456 (Shall Congress be petitioned to decommercialize steelhead, and state policies respecting Indian rights and management of natural resources be enacted?)**—Filed January 13, 1984 by Ellis Lind of Redmond and S/SPAWN. Sponsor submitted 201,188 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was approved by the following vote: For—916,855 Against—807,825
- INITIATIVE MEASURE NO. 457 (Shall minimum age requirements by public and private entities be reduced to age 18 except those relating to drinking alcohol?)**—Filed January 9, 1984 by Martin D. Ringhofer of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 458 (Shall watercraft be taxed on length rather than value and the funds be used for boating safety programs and facilities?)**—Filed January 18, 1984 by Joseph L. Williams of Mercer Island. This measure refiled as Initiative Measure No. 459.
- INITIATIVE MEASURE NO. 459 (Shall watercraft be taxed on length rather than value and the funds be used for boating safety programs and facilities?)**—Filed January 20, 1984 by Louise Miller of Woodinville. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 460 (Shall an additional tax be imposed, on beer, liquor, and out-of-state wine, for crime victims, alcohol rehabilitation, enforcement, and education?)**—

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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- Filed January 12, 1984 by E.C. Renas of Lynnwood. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 461 (Shall the state seek to require corporations which issued securities having a gold clause to make payment in gold coin?)**--Filed January 23, 1984 by Robert Ellison of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 462 (Shall Congress be memorialized to create a space shuttle/energy lottery to increase space travel and achieve energy independence?)**--Filed January 13, 1984 by Jeff Vale of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 463 (Shall the legislature be directed to petition Congress to either propose a balanced budget constitutional amendment or call a convention?)**--Filed January 24, 1984 by James R. Medley of Seattle. No signatures were presented for checking.
- \*INITIATIVE MEASURE NO. 464 (Shall the value of trade-ins of like kind property be excluded from the selling price for the sales tax computation?)**--Filed February 24, 1984 by Eugene A. Prince of Thornton. Sponsor submitted 196,728 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was approved by the following vote: **For--1,175,781 Against--529,560**
- INITIATIVE MEASURE NO. 465 (Shall state sales and business tax rates be reduced and limitations imposed on state general fund spending and tax increases?)**--Filed February 16, 1984 by Kent Pullen of Kent. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 466 (Shall Nevada type gambling, regulated by the State Gambling Commission, be permitted if approved by voters in cities and counties?)**--Filed February 10, 1984 by Fred M. Ladd of Ocean Shores. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 467 (Shall a tax not to exceed 1% be imposed upon transfers of money or property and present taxes be repealed?)**--Filed February 14, 1984 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 468 (Shall real property tax rates be generally limited to one percent of 1975 property tax values, subject to limited adjustments?)**--Filed March 20, 1984 by Martin H. Ottesen of Tacoma. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 469 (Shall the State Gambling Commission be abolished and the net proceeds of some gambling activities be taxed 25% for schools?)**--Filed March 15, 1984 by Michael J. Kinsley of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 470 (Shall public funding of abortions be prohibited, and state funding required to prevent deaths of unborn children and pregnant women?)**--Filed April 2, 1984 by Michael Undseth of Brier. This measure refiled as Initiative Measure No. 471.
- INITIATIVE MEASURE NO. 471 (Shall public funding of abortions be prohibited except to prevent the death of the pregnant woman or her unborn child?)**--Filed April 16, 1984 by Michael Undseth of Brier. Sponsor submitted 162,324 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was rejected by the following vote: **For--838,083 Against--949,921**
- INITIATIVE MEASURE NO. 472 (Regarding federal initiative and referendum powers.)**--Filed June 25, 1984 by Steven A. Panteli of Bellingham. Attorney General declined to write a ballot title because time limit expired.
- INITIATIVE MEASURE NO. 473 (Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?)**--Filed January 7, 1985 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 474 (Shall property taxes be reduced by deleting taxes previously paid on property now exempt from the 106% tax levy calculation?)**--Filed January

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\*Indicates measure became law.



## INITIATIVES TO THE PEOPLE

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31, 1985 by Orville L. Barnes of Spokane. This measure refiled as Initiative Measure No. 477.

**INITIATIVE MEASURE NO. 475 (Shall Congress be requested to call a constitutional convention solely to propose an amendment providing federal initiative and referendum powers?)**—Filed January 23, 1985 by Steven A. Panteli of Bellingham. No signatures were presented for checking.

**INITIATIVE MEASURE NO. 476 (Shall denturists be licensed by the state and permitted to supply dentures to people without written directives from a dentist?)**—Filed February 25, 1985 by Eldo Al Hohman of Seattle. No signatures were presented for checking.

**INITIATIVE MEASURE NO. 477 (Shall maximum permissible regular property tax levies be reduced by excluding inventory taxes, and voter-approved taxes from the 106% limitation?)**—Filed March 14, 1985 by Orville L. Barnes of Spokane. No signatures were presented for checking.

**INITIATIVE MEASURE NO. 478 (Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?)**—Filed January 6, 1986 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 479 (Shall state and local governments be prohibited from funding abortion services unless they are necessary to preserve the woman's life?)**—Filed January 6, 1986 by Michael Undseth of Lynwood. The sponsors submitted 173,858 signatures for checking and they were found insufficient to qualify the measure for the state general election ballot.

**INITIATIVE MEASURE NO. 480 (Regarding the publishing of names of victims of sexual attack.)**—Filed January 6, 1986 by Philip A. Hamlin of Shelton. This measure refiled as Initiative Measure No. 481.

**INITIATIVE MEASURE NO. 481 (Shall news media identifying victims, witnesses, or those accused, of sex crimes be fined unless law enforcement has requested disclosure?)**—Filed January 14, 1986 by Philip A. Hamlin of Shelton. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 482 (Shall more out-of-state licensed motor vehicles be required to obtain Washington licenses and the penalties imposed for non-compliance be increased?)**—Filed January 6, 1986 by M. Anders Tronsen of Duvall. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 483 (Shall the 55 m.p.h. speed limit adopted for energy conservation be rescinded and higher speed limits be established as appropriate?)**—Filed January 7, 1986 by DeAnn Pullar of Bellingham. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 484 (Shall the state owned liquor stores be permanently closed and grocery stores and other outlets be licensed to sell liquor?)**—Filed January 10, 1986 by Russell J. McCurdy of Seattle. This measure was refiled as Initiative Measure No. 487.

**INITIATIVE MEASURE NO. 485 (Shall the state be directed to submit a notice to Congress disapproving designation of a Washington nuclear waste repository site?)**—Filed January 28, 1986 by Patricia Anne Herbert of Seattle. This measure was withdrawn by the sponsor.

**INITIATIVE MEASURE NO. 486 (Shall new taxes or increases in tax rates require a two-thirds vote by the governing body of the taxing authority?)**—Filed January 29, 1986 by Don Jewett of Langley. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 487 (Shall state liquor stores, and state wholesaling of liquor, be discontinued and qualified grocery stores be licensed to sell liquor?)**—Filed February 2, 1986 by Russell J. McCurdy of Seattle. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 488 (Shall the state ferry system be managed by three full-time commissioners who will set ferry fares, staffing levels, and wages?)**—Filed February 3,

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\*Indicates measure became law.

## INITIATIVES TO THE PEOPLE

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1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 489 (Shall the legislature submit a constitutional amendment requiring voter approval of new taxes and full funding of state retirement systems?)**—Filed February 11, 1986 by James L. King, Jr. of Tacoma. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 490 (Shall knowingly employing, in certain jobs, persons having preferences for or orientation toward conduct defined as sexually deviant, be prohibited?)**—Filed February 21, 1986 by Glen Dobbs, of Chehalis. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 491 (Shall the minimum disability retirement allowance for Washington Public Employees' Retirement System members be sufficient to pay for medical insurance?)**—Filed February 14, 1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 492 (Shall disability retirees under the Washington Public Employees' Retirement System be exempt from paying state recreational use and entry fees?)**—Filed February 14, 1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 493 (Shall the legislature be statutorily prohibited from increasing taxes or imposing new taxes unless approved by 60% of each house?)**—Filed March 11, 1986 by G. Robert Williams of Longview. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 494 (Shall state bonds be issued to raise funds for consumer grants to be deposited in banks for qualified registered voters?)**—Filed March 24, 1986 by Steven A. Tracy of Longview. Sponsor failed to submit signatures for checking.

**INITIATIVE MEASURE NO. 495 (Shall hazardous waste laws be amended to broaden state cleanup enforcement authority, increase and impose fees and specify strict liability?)**—Filed April 24, 1986 by Pam Crocker-Davis of Lacey. Sponsor failed to submit signatures for checking.

## INITIATIVES TO THE LEGISLATURE

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### INITIATIVES TO THE LEGISLATURE

- \*INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)**--Filed October 25, 1928. The 1929 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 4, 1930 state general election. Measure was approved into law by the following vote: **For**--152,487 **Against**--130,901. The act is now identified as Chapter 1, Laws of 1931.
- INITIATIVE TO THE LEGISLATURE NO. 1A (Brewers' Hotel Bill)**--Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For**--48,354 **Against**--263,390.
- \*INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)**--Filed August 21, 1934. Passed by the Legislature February 21, 1935. Now identified as Chapter 26, Laws of 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (Tax Free Homes)**--Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (Unemployment Insurance)**--Filed September 5, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (Prohibiting Fishing with Purse Seines)**--Filed November 20, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE TO THE LEGISLATURE NO. 6 (Legal Holiday on Saturday)**--Filed August 17, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 7 (Pension for Blind)**--Filed October 7, 1938. Refiled as Initiative to the Legislature No. 8.
- INITIATIVE TO THE LEGISLATURE NO. 8 (Pension for Blind)**--Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (Relating to Intoxicating Liquors)**--Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (Unicameral Legislature)**--Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (Reapportionment of State Legislative Districts)**--Filed July 8, 1942. No petition filed.
- \*INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)**--Filed August 29, 1942. Passed by the Legislature February 17, 1943. Now identified as Chapter 15, Laws of 1943. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (Restricting Sales of Beer and Wine to State Liquor Stores)**--This measure is the same as Initiative Measure No. 163 and was filed August 23, 1946. Signature petitions filed January 3, 1947. The 1947 Legislature failed to take action as provided by the state constitution the measure then was submitted to the voters for final decision at the November 2, 1948 state general election. Measure was defeated by the following vote: **For**--208,337 **Against**--602,141.
- INITIATIVE TO THE LEGISLATURE NO. 14 (Reapportionment of State Legislative Districts)**--Filed September 19, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 15 (Establishing a Civil Service System for the Employees of the State of Washington)**--Filed October 16, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 16 (Providing for the Election of State Game Commissioners)**--Filed September 8, 1948. No signature petitions presented.

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\*Indicates measure became law.

## INITIATIVES TO THE LEGISLATURE

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- INITIATIVE TO THE LEGISLATURE NO. 17 (Regulating Legislative Committee Hearings)**—Filed October 16, 1948. No signature petitions filed.
- INITIATIVE TO THE LEGISLATURE NO. 18 (Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexistence with other nations, etc.)**—This measure is the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 19 (Repealing the Subversive Activities Act)**—Filed September 19, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 20 (Legislative and Congressional Districting)**—Filed April 16, 1954. Sponsors dissatisfied with ballot title and, as a consequence, measure (with some minor changes, all occurring in section 5) was refiled as of May 17, 1954 and measure refiled as Initiative No. 22 to the Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 21 (Professional Practice Boards)**—Filed April 20, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 22 (Legislative and Congressional Districting)**—Filed May 17, 1954. No signature petitions presented for checking.
- \*INITIATIVE TO THE LEGISLATURE NO. 23 (Civil Service for Sheriff's Employees)**—Measure filed August 7, 1956. Signature petitions filed December 5, 1956, and found sufficient. The 1957 Legislature failed to take action, and as provided by the state constitution the measure was then submitted to the voters for final decision at the November 4, 1958 state general election. Measure was approved by the following vote: **For**—539,640 **Against**—289,575. Act is now identified as Chapter 1, Laws of 1959.
- INITIATIVE TO THE LEGISLATURE NO. 24 (Limiting Dams in Fish Sanctuaries)**—Measure filed September 18, 1956. Signature petitions containing approximately 85,600 signatures filed January 3, 1957. However, attorney general ruled that provisions of the 30th amendment to the state constitution approved by the voters at the 1956 state general election applied at the time signatures were presented. This amendment provided that the number of signatures necessary to validate an initiative must be equal to at least 8% of the votes cast on the position of governor at the last preceding gubernatorial election. This computation set the necessary number as 90,319 valid signatures. Sponsors appealed to the State Supreme Court which held that the attorney general was correct. For this reason the Secretary of State did not check signature petitions and the initiative was not certified to the 1957 Legislature.
- \*INITIATIVE TO THE LEGISLATURE NO. 25 (Dam Construction and Water Diversion)**—Measure filed April 3, 1958. Signature petitions filed January 2, 1959 and upon completion of canvass found sufficient. The 1959 Legislature failed to take final action and as provided by the state constitution the measure was submitted to the voters for final decision at the November 8, 1960 state general election. Measure was approved by the following vote: **For**—526,130 **Against**—483,449. Act is now identified as Chapter 4, Laws of 1961.
- INITIATIVE TO THE LEGISLATURE NO. 26 (Abolishing Capital Punishment)**—Measure filed March 10, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 27 (Restricting Federal Taxation and Activities)**—Measure filed June 27, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 28 (Civil Service for County Employees)**—Measure filed July 1, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 29 (Repealing Certain 1961 Tax Laws)**—Filed March 27, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

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\*Indicates measure became law.

## INITIATIVES TO THE LEGISLATURE

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- INITIATIVE TO THE LEGISLATURE NO. 30 (Reorganization of State Fisheries Department)**—Filed May 28, 1962 by the Washington State Sportsmen's Council. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE TO THE LEGISLATURE NO. 31 (Laws Regulating Courts—Judges—Attorneys)**—Filed May 17, 1966 by Walter H. Philipp of Seattle. This was, in effect, a refile of Initiative Measure No. 232 and again no signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 32 (Local Processing of State Timber)**—Filed May 31, 1966 by the Committee for Full Employment in Washington. Signatures (136,181) filed December 30, 1966 and found sufficient. The 1967 Legislature failed to take final action and, as provided by the state constitution, the measure was submitted to the voters for final decision at the November 5, 1968 state general election. Measure was rejected by the following vote: **For—450,559 Against—716,291.**
- INITIATIVE TO THE LEGISLATURE NO. 33 (No caption written)**—Filed July 1, 1966 by George A. Guilmet of Edmonds. This was a proposed memorial to Congress concerning "the ending of the war now being waged by the United States Government and its armed forces in Vietnam and Southeast Asia." However, the office of the attorney general reversed its position in that a similar measure was filed in 1952 (Initiative to the Legislature No. 18) and declined to issue a ballot title on the grounds that the subject matter was not a proper subject to fall within the scope of the initiative procedure. As a consequence, the secretary of state returned the measure and filing fee to the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 34 ("Personal Effects" Tax Exemption)**—Filed March 20, 1968 by the Committee Against Unfair Personal Property Tax. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 35 (State Citizens--War and Taxes)**—Filed April 28, 1970 by the Seattle Liberation Front—William Edward Kononen, Initiative Circulation Chairman. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 36 (Licensing Dog Racing--Parimutuel Betting)**—Filed July 3, 1970 by Donald Nicholson of Kirkland. Because of technical errors, measure was refiled August 18, 1970 as Initiative to the Legislature No. 39.
- INITIATIVE TO THE LEGISLATURE NO. 37. (Transportation Revenues--Use and Distribution)**—Filed July 9, 1970 by William L. McCord and William L. Harrington, Co-sponsors. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 38 (Certain Cities--Greyhound Racing Franchises)**—Filed July 31, 1970 by Herbert B. Shannon of Medina. Signatures (121,077) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 39 (Licensing Dog Racing--Parimutuel Betting)**—Filed August 18, 1970 by Donald Nicholson and Dr. Lawrence Pirkle, Co-sponsors. Signatures (124,394) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 40 (Litter Control Act)**—Filed August 20, 1970 by the Washington Committee to Stop Litter—Irving B. Stimpson, Secretary. Signatures (141,228) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative Measure No. 40 but did pass an alternative measure No. 40B now identified as Chapter 307, Laws of 1971 1st Extraordinary Session, which contained an emergency clause and became effective law upon approval of the Governor on May 21, 1971. However, as required by the state constitution, both measures were submitted to the voters for final decision at the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

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\*Indicates measure became law.

## INITIATIVES TO THE LEGISLATURE

For Either	Against Both	Prefer No. 40	Prefer No. 40B
788,151	418,764	194,128	798,931

As a consequence, Alternative Measure No. 40B prevailed which sustained Chapter 307, Laws of 1971 1st Extraordinary Session, as law.

**INITIATIVE TO THE LEGISLATURE NO. 41 (Public Schools--Certain Courses Curtailed)**—Filed September 4, 1970 by the Schools Belong to You Committee of the State of Washington—Dale R. Dorman, Chairman. No signatures presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 42**—Filed September 21, 1970 by the Washington Environmental Council. Refiled September 25, 1970 as Initiative to the Legislature No. 43.

**INITIATIVE TO THE LEGISLATURE NO. 43 (Regulating Shoreline Use and Development)**—Filed September 25, 1970 by the Washington Environmental Council. Signatures (160,421) filed December 31, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The legislature took no action insofar as Initiative No. 43 but did pass an alternative measure No. 43B now identified as Chapter 286, Laws of 1971 1st Extraordinary Session, which became effective law as of June 1, 1971. However, as required by the state constitution both measures were submitted to the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

For Either	Against Both	Prefer No. 43	Prefer No. 43B
603,167	551,132	285,721	611,748

As a consequence, Alternative Measure No. 43B prevailed which sustained Chapter 286, Laws of 1971 1st Extraordinary Session, as law.

**\*INITIATIVE TO THE LEGISLATURE NO. 44 (Statutory Tax Limitation—20 Mills)**—Filed October 15, 1970 by the 40-Mill Tax Limit Committee—Lester P. Jenkins, Secretary. Signatures (229,785) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action and, as provided by the state constitution, the initiative was submitted to the voters for final decision at the November 7, 1972 state general election and approved by the following vote: For—930,275 Against—301,238. Act is now identified as Chapter 2, Laws of 1973.

**INITIATIVE TO THE LEGISLATURE NO. 45 (Restoration of Law Prohibiting Hitchhiking)**—Filed July 10, 1972 by Mildred C. Trantow, President, Washington State Chapter of Pro America. No signatures presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 46 (Restricting School District Excess Levies)**—Filed July 25, 1972 by Representative Paul Barden and Representative Vaughn Hubbard, Co-sponsors. No signatures presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 47 (Shall public schools be prohibited from teaching either the theory of evolution or that of creation unless both are taught?)**—Filed April 3, 1974 by Ward E. Ellsworth. No signatures presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 48 (Shall state financial support for public schools be greatly increased for 1975-77 and school district excess levies restricted after 1975?)**—Filed April 9, 1974 by the Committee for State School Support. No signatures presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 49 (Shall an Initiative be adopted declaring persons ineligible for election to given state offices for more than 12 consecutive years?)**—Filed July 5, 1974 by Senator Peter von Reichbauer. No signatures presented for checking.

\*Indicates measure became law.

## INITIATIVES TO THE LEGISLATURE

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- INITIATIVE TO THE LEGISLATURE NO. 50 (Shall greyhound dog racing, with parimutuel betting, be permitted when licensed by a state commission and subject to its control?)—Filed July 16, 1974 by Donald Nicholson. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 51 (Constitutional Amendment—Qualifications of Legislators)—Filed March 11, 1976 by Harley H. Hoppe of Mercer Island. Attorney General declined to prepare ballot title.
- INITIATIVE TO THE LEGISLATURE NO. 52 (Shall commercial fishing for or taking of food fish, crab or shrimp in Hood Canal be prohibited?)—Filed April 15, 1976 by J.L. Parsons of Union, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 53 (Shall special levies be limited, and additional state support provided to most districts which approve such limited levies?)—Filed April 21, 1976 by Representative Phyllis K. Erickson of Tacoma. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 54 (Shall an initiative be adopted prohibiting holding most state offices longer than twelve years and judicial offices past age 70?)—Filed April 28, 1976 by Jack Metcalf of Langley, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 55 (Shall persons convicted of certain felonies be imprisoned for a mandatory period of years?)—Filed May 7, 1976 by Senator Kent Pullen of Kent, WA. Referred as Initiative to the Legislature No. 56.
- INITIATIVE TO THE LEGISLATURE NO. 56 (Shall persons convicted of most felonies be imprisoned for a mandatory period of years?)—Filed June 1, 1976 by Senator Kent Pullen of Kent, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 57 (Shall an initiative be adopted providing that special legislative sessions, however convened, be limited to thirty days and specific subjects?)—Filed July 14, 1976 by Senator Harry Lewis of Olympia. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 58 (Shall an initiative be adopted memorializing the legislature to impeach and remove King County Superior Court Judge Solie M. Ringold?)—Filed July 14, 1976 by Paul O. Snyder of Seattle. No petition submitted.
- \*INITIATIVE TO THE LEGISLATURE NO. 59 (Shall new appropriations of public water for nonpublic agricultural irrigation be limited to farms of 2,000 acres or less?)—Filed August 16, 1976 by Ray Hill of Seattle. Signatures (191,012) submitted and found sufficient and measure was certified to the legislature January 14, 1977. The legislature referred this measure to the 1977 state general election ballot. At the November 8, 1977 general election the measure was approved by the following vote: For—457,054 Against—437,682. Act is now identified as Chapter 3, Laws of 1979.
- INITIATIVE TO THE LEGISLATURE NO. 60 (Shall an initiative be adopted authorizing a legislator to convene a grand jury to consider allegations of improper judicial conduct?)—Filed March 28, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 61 (Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?)—Filed May 1, 1978 by Mr. Steve Zemke of Seattle. Signatures (164,325) submitted and a random sample of 8,180 was taken and found sufficient and measure was certified to the Legislature on February 19, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was rejected. The preliminary figures for the vote are: For—333,062 Against—427,822.
- \*INITIATIVE TO THE LEGISLATURE NO. 62 (Shall state tax revenues be limited so that increases do not exceed the growth rate of total state personal income?)—Filed June 1, 1978 by Ron Dunlap and Ellen Craswell of the Washington Tax Limitation Committee.

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\*Indicates measure became law.

## INITIATIVES TO THE LEGISLATURE

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Signatures (169,456) submitted and found sufficient and measure was certified to the legislature on January 18, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was approved. The preliminary figures for the vote are: For—509,349 Against—235,431. Act is now identified as Chapter 1, Laws of 1980.

**INITIATIVE TO THE LEGISLATURE NO. 63 (Shall participation in the state militia and law enforcement units not be denied to persons by reason of physical handicaps?)**—Filed June 28, 1978 by Mr. Daniel M. Jones of Olympia. No signatures were presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 64**—Attorney General refused to write a ballot title.

**INITIATIVE TO THE LEGISLATURE NO. 65 (Shall state school levies be subject to the same six percent annual increase limit as other regular property tax levies?)**—Filed July 12, 1978 by Mr. Ron Dunlap and Mrs. Ellen Craswell. No signatures were presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 66 (Shall the Consumer Protection Act be amended to provide trebled actual damages in private actions and define specific unlawful acts?)**—Filed July 14, 1978 by Mr. Norman L. Bachert of Seattle. No signatures were brought in for checking.

**INITIATIVE TO THE LEGISLATURE NO. 67 (Shall an initiative be adopted providing for the recall of United States senators and representatives during legislatively called special elections?)**—Filed July 27, 1978 by Mr. Victor J. Bonagofski of Centralia. No signatures were presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 68 (Shall property tax assessments be based on 1976 values, with certain exceptions and assessment increases limited to 2% per year?)**—Filed July 21, 1978 by Mr. Bruce Gould of Vancouver. No signatures were presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 69 (Shall single family dwellings and farm buildings be tax exempt, and state and local taxing and borrowing powers be restricted?)**—Filed July 26, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 70 (Shall the rates of state sales and business taxes temporarily be reduced 22.2% and 25% respectively during the year 1980?)**—Filed August 11, 1978 by Mr. Paul Sanders of Bellevue. No signatures were presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 71 (Shall property taxes be based on 1976 values limited to 2% annual increases, and other property tax changes be enacted?)**—Filed August 16, 1978 by Mr. J. Van Self of Tacoma. No signatures were presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 72 (Shall state school levies be limited to 6% annual increases and disabled retirees or elderly property tax exemptions be increased?)**—Filed November 20, 1978 by Mr. Claude Oliver of Kennewick. No signatures were presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 73 (Shall Government Agencies, Employees, and Private Individuals be Prohibited from Promoting Certain Sexual Practices, and the Age of Consent Raised?)**—Filed May 13, 1980 by David Estes of Seattle. No signatures were presented for checking.

**INITIATIVE TO THE LEGISLATURE NO. 74 (Shall There be Mandatory Minimum Prison Sentences for Certain Felonies, Expanded Concealed Weapons' Permits and State Preemption of Firearms' Regulation?)**—Filed July 31, 1980 by Kent Pullen of Kent, WA. No signatures presented for checking.

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\*Indicates measure became law.



## INITIATIVES TO THE LEGISLATURE

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- INITIATIVE TO THE LEGISLATURE NO. 75.** (Shall the Crime Victims Compensation Act be extended to crimes committed after July 1, 1981, and its coverage be broadened?)—Filed September 4, 1981 by Manuel E. Costa of Marysville. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 76** (Shall the legislature petition Congress to amend the Constitution, or call a constitutional convention, to require a balanced federal budget?)—Filed March 12, 1982 by Harry Erwir, Fruit of Seattle. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 77** (Shall public employee compensation be reduced or frozen if state expenditures exceed revenues or new taxes are imposed or authorized?)—Filed March 22, 1982 by Glenn Blubaugh of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 78** (Shall the present state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?)—Filed May 27, 1982 by Robert J. Corcoran of Puyallup. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 79** (Shall employers have the option, effective July 1, 1984, of securing private insurance to meet the state requirements for workmen's compensation?)—Filed September 29, 1982 by Richard M. Farrow of Seattle. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 80** (Unemployment Insurance)—Filed September 29, 1982 by Richard C. King of Seattle. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 81** (Political Contributions)—Filed September 29, 1982 by R. M. (Dick) Bond of Spokane. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 82** (Public Purchasing)—Filed September 29, 1982 by Priscilla K. Stockner of Puyallup. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 83** (Shall the 1983-85 state general operating budget be limited by statute to a maximum of 109% of the 1981-83 budget?)—Filed September 29, 1982 by Charles I. McClure of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 84** (Shall state policies regarding natural resource management, Indian rights, federal court decisions, and the expenditure of state funds be enacted?)—Filed May 13, 1983 by John B. Mitchum of Mt. Vernon. Sponsors have until December 31, 1983 to submit signatures.
- INITIATIVE TO THE LEGISLATURE NO. 85** (Shall the legislature be directed to petition Congress to call a convention to propose a balanced federal budget constitutional amendment?)—Filed June 7, 1983 by James R. Medley of Seattle. Sponsors have until December 31, 1983 to submit signatures.
- INITIATIVE TO THE LEGISLATURE NO. 86.** (Shall the legislature submit a state constitutional amendment requiring taxes be approved by voters and full funding of retirement systems?)—Filed August 17, 1984 by James L. King, Jr. of Tacoma. No signatures were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 87.** (Shall juvenile diversion agreements require home or nonsecurity residency or placement in secure facilities if a juvenile thereafter runs away?)—Filed October 19, 1984 by Theresa J. Green of Seattle. No signatures were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 88.** (Shall candidates for legislative and state executive offices be prohibited from receiving more than specified maximum campaign contributions and loans?)—Filed March 25, 1985 by Roger J. Douglas of Olympia. No signatures were presented for checking.

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\*Indicates measure became law.

## INITIATIVES TO THE LEGISLATURE

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- INITIATIVE TO THE LEGISLATURE NO. 89. (Shall the legislature submit a constitutional amendment requiring voter approval of new taxes and full funding of state retirement systems?)**—Filed June 20, 1985 by James L. King, Jr. of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 90. (Shall sales and use taxes be increased, 1/8th of 1%, to fund comprehensive fish and wildlife conservation and recreation programs?)**—Filed July 22, 1985 by John C. McGlenn of Seattle. 211,299 signatures were submitted and found sufficient and the measure was certified to the legislature on January 24, 1986. The legislature referred this measure to the 1986 general election ballot. At the November 4, 1986 general election the measure was defeated by the following vote: For—493,794. Against—784,382.
- INITIATIVE TO THE LEGISLATURE NO. 91. (Shall the state administered workers industrial insurance compensation system be modified and employers be granted the option of privately insuring?)**—Filed August 9, 1985 by Donald D. Eldridge of Olympia. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 92. (Shall it be a consumer protection violation for doctors treating Medicare eligible patients to charge more than Medicare's reasonable charges?)**—Filed March 31, 1986 by Lars Hennem of Seattle. 219,716 signatures were submitted and were found sufficient and the measure was certified to the legislature on January 15, 1987.
- INITIATIVE TO THE LEGISLATURE NO. 93. (Shall courts be authorized to require that convicted felons after release from prison be subject to restrictions and state supervision?)**—Filed May 5, 1986 by Stuart A. Halsan of Centralia. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 94. (Shall conviction for possessing more than five ounces of, or selling, "dangerous drugs" result in at least five years imprisonment?)**—Filed August 22, 1986 by Clyde Ballard of East Wenatchee. No signatures were presented for checking.

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\*Indicates measure became law.

## REFERENDUM MEASURES

### REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (Chapter 48, Laws of 1913, Teachers' Retirement Fund)—Filed March 11, 1913. Submitted to the people at the state general election held on November 3, 1914. \*Failed to pass by the following vote: For—59,051 Against—252,356. As a consequence, Chapter 48, Laws of 1913 did not become law.
- REFERENDUM MEASURE NO. 2 (Chapter 180, Laws of 1913, Quincy Valley Irrigation Measure)—Filed March 25, 1913. Submitted to the people at the state general election held on November 3, 1914. \*Failed to pass by the following vote: For—102,315 Against—189,065. As a consequence, Chapter 180, Laws of 1913 did not become law.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws of 1915, Relating to Initiative and Referendum)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. \*Failed to pass by the following vote: For—62,117 Against—196,363. As a consequence, Chapter 54, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws of 1915, Recall of Elective Public Officers)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. \*Failed to pass by the following vote: For—63,646 Against—193,686. As a consequence, Chapter 55, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws of 1915, Party Conventions Act)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. \*Failed to pass by the following vote: For—49,370 Against—200,499. As a consequence, Chapter 52, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws of 1915, Anti-Picketing)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. \*Failed to pass by the following vote: For—85,672 Against—183,042. As a consequence, Chapter 181, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws of 1915, Certificate of Necessity Act)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. \*Failed to pass by the following vote: For—46,820 Against—201,742. As a consequence, Chapter 178, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws of 1915, Port Commission)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. \*Failed to pass by the following vote: For—45,264 Against—195,253. As a consequence, Chapter 46, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws of 1915, Budget System)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. \*Failed to pass by the following vote: For—67,205 Against—181,833. As a consequence, Chapter 49, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws of 1917, Bone Dry Law)—Filed February 20, 1917. Submitted to the people at the state general election held on November 5, 1918. Measure passed by the following vote: For—96,100 Against—54,322.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws of 1917, Capitol Building Fund Bonds)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (Chapter 77, Laws of 1919, Salary of Judges)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 12B (Chapter 59, Laws of 1921, Certificate of Necessity)—Filed March 26, 1921. Submitted to the people at the state general election held on November 7, 1922. \*Failed to pass by the following vote: For—64,800 Against—154,905. As a consequence, Chapter 59, Laws of 1921 did not become law.

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\*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

## REFERENDUM MEASURES

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- REFERENDUM MEASURE NO. 13A (Chapter 112, Laws of 1919, Death Penalty)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13B (Chapter 175, Laws of 1921, Physical Examination of School Children)—Filed April 4, 1921. Submitted to the people at the state general election held on November 7, 1922. \*Failed to pass by the following vote: For—96,874 Against—156,113. As a consequence, Chapter 175, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 14A (Senate Joint Resolution No. 1, Laws of 1919, Intoxicating Liquor)—Filed March 20, 1919. Insufficient number of signatures on petition.
- REFERENDUM MEASURE NO. 14B (Chapter 177, Laws of 1921, Primary Nominations and Registrations)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. \*Failed to pass by the following vote: For—60,593 Against—164,004. As a consequence, Chapter 177, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws of 1921, Party Conventions)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. \*Failed to pass by the following vote: For—57,324 Against—140,299. As a consequence, Chapter 176, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws of 1923, Butter Substitutes)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. \*Failed to pass by the following vote: For—169,047 Against—203,016. As a consequence, Chapter 22, Laws of 1923 did not become law.
- REFERENDUM MEASURE NO. 17 (Chapter 115, Laws of 1929, Creating Department of Highways)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (Chapter 51, Laws of 1933, Cities and Towns; Electric Energy)—Filed April 7, 1933. Submitted to the people at the state general election held on November 6, 1934. Measure passed by the following vote: For—221,590 Against—160,244.
- REFERENDUM MEASURE NO. 19 (Chapter 55, Laws of 1933, Horse Racing)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (Chapter 118, Laws of 1935, Regulating Pilots)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (Chapter 26, Laws of 1935, Blanket Primary Ballot)—Filed April 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 22 (Chapter 209, Laws of 1941, Industrial Insurance)—Filed April 3, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure passed by the following vote: For—246,257 Against—108,845.
- REFERENDUM MEASURE NO. 23 (Chapter 158, Laws of 1941, Providing for Legal Adviser for Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. \*Failed to pass by the following vote: For—126,972 Against—148,266. As a consequence, Chapter 158, Laws of 1941 did not become law.
- REFERENDUM MEASURE NO. 24 (Chapter 191, Laws of 1941, Prosecuting Attorneys; Providing that they shall no longer give advice to Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. \*Failed to pass by the following vote: For—114,603 Against—148,439. As a consequence, Chapter 191, Laws of 1941 did not become law.
- REFERENDUM MEASURE NO. 25 (Chapter 15, Laws of 1943, Relating to Public Utility Districts)—Filed March 18, 1943. Submitted to the people at the state general election held on November 7, 1944. \*Failed to pass by the following: For—297,919 Against—373,051. As a consequence, Chapter 15, Laws of 1943 did not become law.

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\*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

## REFERENDUM MEASURES

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**REFERENDUM MEASURE NO. 26 (Chapter 37, Laws of 1945, Relating to appointment of State Game Commissioners by the Governor)**—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. \*Failed to pass by the following vote: For—69,490 Against—447,819. As a consequence, Chapter 37, Laws of 1945 did not become law.

**REFERENDUM MEASURE NO. 27 (Chapter 202, Laws of 1945, Relating to the creation of a State Timber Resources Board)**—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. \*Failed to pass by the following vote: For—107,731 Against—422,026. As a consequence, Chapter 202, Laws of 1945 did not become law.

**REFERENDUM MEASURE NO. 28 (Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation)**—Filed March 30, 1949. Signature petitions filed June 8, 1949 and found sufficient. Submitted to the people at the state general election held on November 7, 1950. \*Failed to pass by the following vote: For—163,923 Against—467,574. As a consequence, only sections 1 through 5, inclusive, became law.

**REFERENDUM MEASURE NO. 29 (Portion of Chapter 190, Laws of 1949, Amending State Insurance Code)**—Filed April 2, 1949. No signature petitions presented for canvassing.

**REFERENDUM MEASURE NO. 30 (Chapter 280, Laws of 1957, Inheritance Tax on Insurance Proceeds)**—Filed April 12, 1957. Signature petitions filed June 17, 1957, and found sufficient. Measure submitted to the voters at the state general election held on November 4, 1958. \*Failed to pass by the following vote: For—52,223 Against—811,539. As a consequence, Chapter 280, Laws of 1957 did not become law.

**REFERENDUM MEASURE NO. 31 (Portion of Chapter 297, Laws of 1959, Authorizing corporations and joint stock associations to practice engineering)**—Filed March 31, 1959. Signature petition sheets presented for canvassing June 10, 1959. Results of canvassing revealed that sponsors missed obtaining necessary number of valid signatures by 1,124 signatures. As a result attempt to refer law to voters failed.

**REFERENDUM MEASURE NO. 32 (Chapter 298, Laws of 1961, Washington State Milk Marketing Act)**—Filed March 22, 1961 by the Washington State Milk Consumers' League. Supporting signature petition sheets filed June 14, 1961, and as of July 26, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. \*Failed to pass by the following vote: For—153,419 Against—677,530. As a consequence, Chapter 298, Laws of 1961 did not become law.

**REFERENDUM MEASURE NO. 33 (Chapter 275, Laws of 1961, Private Auditors of Municipal Accounts)**—Filed April 3, 1961 by Cliff Yelle, State Auditor. Supporting signature petition sheets filed June 6, 1961, and as of July 18, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. \*Failed to pass by the following vote: For—242,189 Against—563,475. As a consequence, Chapter 275, Laws of 1961 did not become law.

**REFERENDUM MEASURE NO. 34 (Chapter 37, Laws of 1963, Mechanical Devices, Salesboards, Cardrooms, Bingo)**—Filed April 11, 1963 by Dr. Homer W. Humiston of Tacoma, Washington. Since said act contained an emergency clause making the law effective upon the approval of the Governor it was necessary for Dr. Humiston to initiate court action to determine whether or not emergency clause was valid. As of April 11, 1963 the State Supreme Court setting en banc ruled that the emergency clause was not valid and directed the Secretary of State to accept and file papers relative to the referendum (Case No. 36998).

Dr. Humiston, as sponsor of Referendum Measure No. 34, filed signature petition sheets containing a total of 82,995 signatures supporting Referendum Measure No. 34, during the period June 3 through June 12, 1963.

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\*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

## REFERENDUM MEASURES

As of June 24, 1963, it was discovered that all such signature petition sheets had been stolen. However, two days later (June 26, 1963), Secretary of State Victor A. Meyers certified Referendum Measure No. 34 to the respective county auditors with direction that said measure appear upon the November 3, 1964 state general election ballot in spite of the fact that the signatures had been stolen. Such action was justified upon the grounds that the sponsor of said referendum had filed 82,995 signatures when only 48,630 valid signatures were needed. On July 22, 1963 the Amusement Association of Washington brought court action against the Secretary of State challenging the certification of Referendum Measure No. 34.

On July 22, 1963, the Thurston County Superior Court ruled that the Secretary of State had acted properly under the circumstances. On March 26, 1964, the State Supreme Court sustained the Thurston County Superior Court by likewise ruling that the Secretary of State's certification was valid.

Measure then submitted to the voters at the state general election held on November 3, 1964. \*Failed to pass by the following vote: For--505,633 Against--622,987. As a consequence, Chapter 37, Laws of 1963 did not become law.

**REFERENDUM MEASURE NO. 35 (Portion of Chapter 22, Laws of 1967, Nondiscrimination by Realty Brokers, Salesmen)**—Filed March 22, 1967 by the AD-HOC (Advisory Home Owners Committee). Signatures (81,146) filed June 6, 1967 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election. Measure passed by the following vote: For--580,578 Against--276,161. Consequently, the attempt by the sponsors of this referendum to negate the open housing provision of Chapter 22, Laws of 1967 was unsuccessful.

**REFERENDUM MEASURE NO. 36 (Chapter 100, Laws of 1973, Minimum Age--Alcoholic Beverage Control)**—Filed April 4, 1973 by Lloyd C. Tremain, Chairman, Citizens United for Responsible Legislation. Signatures (79,389) filed June 7, 1973 and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election. \*Failed to pass by the following vote: For--495,624 Against--510,491. As a consequence, Chapter 100, Laws of 1973 did not become law.

**REFERENDUM MEASURE NO. 37 (Chapter 288, Laws of 1975 Extraordinary Session, Shall the present law governing professional negotiations for certificated educational employees be repealed, and a new law substituted therefore?)**—Filed July 18, 1975 by Mrs. Alice K. Matz of Kent, Washington. No signatures presented for checking.

**REFERENDUM MEASURE NO. 38 (Chapter 113, Laws of 1975-'76 2nd Extraordinary Session, Shall the salaries of state legislators be increased from \$3,800 to \$7,200 effective at the beginning of their next term?)**—Filed April 6, 1976 by Mr. Paul E. Byrd of Tacoma. No signatures presented for checking.

**REFERENDUM MEASURE NO. 39 (Chapter 361, Laws of 1977 Extraordinary Session, Shall certain changes be made in voter registration laws, including registration by mail and absentee voting on one day's registration?)**—Filed June 22, 1977 by Kent Pullen. Signatures (74,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. \*Failed to pass by the following vote: For--303,353 Against--632,131. As a consequence, Chapter 361, Laws of 1977 Ex. Sess. did not become law.

**REFERENDUM MEASURE NO. 40 (Chapter 288, Laws of 1977 Extraordinary Session, Shall a state women's commission be established by statute?)**—Filed July 29, 1977 by Susan Roylance, Representative of Women for Integrity in the Nation. Signatures (108,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. \*Failed to pass by the following vote: For--259,761 Against--664,962. As a consequence, Chapter 288, Laws of 1977 Ex. Sess. did not become law.

**REFERENDUM MEASURE NO. 41 (Chapter 204, Laws of 1984, Shall the timber harvest tax be continued at a 6.5% rate rather than gradually reduced over four years to 5%?)**—Filed March 22, 1984 by Eleanor Fortson of Camano Island. The court ordered a writ of

\*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

## REFERENDUM MEASURES

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prohibition to prevent the referendum form appearing on the November, 1984 election ballot.

**REFERENDUM MEASURE NO. 42 (Chapter 152, Laws of 1986, Shall seat belt use be mandatory for drivers and passengers of motor vehicles federally required to have installed seat belts?)—Filed April 7, 1986 by Mark Gabel of Parkland. No signatures presented for checking.**

## REFERENDUM BILLS

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### REFERENDUM BILLS

(Measures passed by the Legislature and referred to the voters)

REFERENDUM BILL NO. 1 (Chapter 99, Laws of 1919, State System Trunk Line Highways)—Filed March 13, 1919. Submitted to the people at the state general election held on November 2, 1920. Failed to pass by the following vote: For--117,425 Against--191,783.

\*REFERENDUM BILL NO. 2 (Chapter 1, Laws of 1920 Extraordinary Session, Soldiers' Equalized Compensation)—Filed March 25, 1920. Submitted to the people at the state general election held on November 2, 1922. Measure approved by the following vote: For--224,356 Against--88,128.

REFERENDUM BILL NO. 3 (Chapter 87, Laws of 1923, Electric Power Bill)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. Failed to pass by the following vote: For--99,459 Against--208,809.

REFERENDUM BILL NO. 4 (Chapter 164, Laws of 1935, Flood Control; Creating Sinking Fund)—Filed March 22, 1935. Submitted to the people at the state general election held on November 3, 1936. Failed to pass by the following vote: For--114,055 Against--334,035.

\*REFERENDUM BILL NO. 5 (Chapter 83, Laws of 1939, 40--Mill Tax Limit)—Filed March 10, 1939. Submitted to the people at the state general election held on November 5, 1940. Measure approved by the following vote: For--390,639 Against--149,843.

\*REFERENDUM BILL NO. 6 (Chapter 176, Laws of 1941, Taxation of Real and Personal Property)—Filed March 22, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure approved by the following vote: For--252,431 Against--75,540.

\*REFERENDUM BILL NO. 7 (Chapter 229, Laws of 1949—\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: For--395,417 Against--248,200.

\*REFERENDUM BILL NO. 8 (Chapter 230, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: For--377,941 Against--262,615.

REFERENDUM BILL NO. 9 (Chapter 231, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Failed to pass by the following vote: For--312,500 Against--314,840.

\*REFERENDUM BILL NO. 10 (Chapter 299, Laws of 1957—\$25,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions and State Institutions of Higher Learning)—Filed March 26, 1957. Measure submitted to the voters at the state general election held on November 4, 1958. Measure approved by the following vote: For--402,937 Against--391,726.

\*REFERENDUM BILL NO. 11 (Chapter 12, Laws of 1963 Extraordinary Session—Outdoor Recreation Bond Issue)—Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For--614,903 Against--434,978.

\*REFERENDUM BILL NO. 12 (Chapter 26, Laws of 1963 Extraordinary Session—Bonds For Public School Facilities)—Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For--782,682 Against--300,674.

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\*Indicates measure became law.



## REFERENDUM BILLS

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- \*REFERENDUM BILL NO. 13 (Chapter 27, Laws of 1963 Extraordinary Session--Bonds For Juvenile Correctional Institution)--Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For--761,862 Against--299,783.
- \*REFERENDUM BILL NO. 14 (Chapter 158, Laws of 1965 Extraordinary Session--Bonds for Public School Facilities)--Filed May 12, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For--583,705 Against--288,357.
- \*REFERENDUM BILL NO. 15 (Chapter 172, Laws of 1965 Extraordinary Session--Bonds for Public Institutions)--Filed May 15, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For--597,715 Against--263,902.
- \*REFERENDUM BILL NO. 16 (Chapter 152, Laws of 1965 Extraordinary Session--Congressional Reapportionment and Redistricting)--Enrolled bill was received directly from the office of Chief Clerk, House of Representatives and filed May 7, 1965, thus bypassing the office of the Governor. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For--416,630 Against--384,466.
- \*REFERENDUM BILL NO. 17 (Chapter 106, Laws of 1967--Water Pollution Control Facilities Bonds)--Filed March 21, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For--845,372 Against--276,161.
- \*REFERENDUM BILL NO. 18 (Chapter 126, Laws of 1967 Extraordinary Session--Bonds for Outdoor Recreation)--Filed May 3, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For--763,806 Against--354,646.
- \*REFERENDUM BILL NO. 19 (Chapter 148, Laws of 1967 Extraordinary Session--State Building Projects: Bond Issue)--Filed May 10, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For--606,236 Against--458,358.
- \*REFERENDUM BILL NO. 20 (Chapter 3, Laws of 1970 Extraordinary Session--Changes in Abortion Law)--Filed February 9, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For--599,959 Against--462,174.
- \*REFERENDUM BILL NO. 21 (Chapter 40, Laws of 1970 Extraordinary Session--Outdoor Recreation Bonds--Sales; Interest)--Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For--520,162 Against--474,548.
- REFERENDUM BILL NO. 22 (Chapter 66, Laws of 1970 Extraordinary Session--State Building Bonds--Sales; Interest)--Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and failed to pass by the following vote: For--399,608 Against--574,887.
- \*REFERENDUM BILL NO. 23 (Chapter 67, Laws of 1970 Extraordinary Session--Pollution Control Bonds--Sales; Interest)--Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For--581,819 Against--414,976.
- \*REFERENDUM BILL NO. 24 (Chapter 82, Laws of 1972 Extraordinary Session--Lobbyists--Regulation, Registration and Reporting)--Filed February 22, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For--696,455 Against--576,404.
- \*REFERENDUM BILL NO. 25 (Chapter 98, Laws of 1972 Extraordinary Session--Regulating Certain Electoral Campaign Financing)--Filed February 24, 1972. Measure submitted to

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\*Indicates measure became law.

## REFERENDUM BILLS

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the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—694,818 Against—574,856.

\*REFERENDUM BILL NO. 26 (Chapter 127, Laws of 1972 Extraordinary Session—Bonds for Waste Disposal Facilities)—Filed February 25, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—827,077 Against—489,459.

\*REFERENDUM BILL NO. 27 (Chapter 128, Laws of 1972 Extraordinary Session—Bonds for Water Supply Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—790,063 Against—544,176.

\*REFERENDUM BILL NO. 28 (Chapter 129, Laws of 1972 Extraordinary Session—Bonds for Public Recreation Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—758,530 Against—579,975.

\*REFERENDUM BILL NO. 29 (Chapter 130, Laws of 1972 Extraordinary Session—Health, Social Service Facility Bonds)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—734,712 Against—594,172.

REFERENDUM BILL NO. 30 (Chapter 132, Laws of 1972 Extraordinary Session—Bonds for Public Transportation Improvements)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was rejected by the following vote: Against—665,493 For—637,841.

\*REFERENDUM BILL NO. 31 (Chapter 133, Laws of 1972 Extraordinary Session—Bonds for Community College Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following votes: For—721,403 Against—594,963.

REFERENDUM BILL NO. 32 (Chapter 199, Laws of 1973 1st Extraordinary Session—Shall county auditors be required to appoint precinct committeemen of major political parties as deputy voting registrars upon their request?)—Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was rejected by the following vote: For—291,323 Against—609,306.

\*REFERENDUM BILL NO. 33 (Chapter 200, Laws of 1973 1st Extraordinary Session—Shall personalized motor vehicle license plates be issued with resulting extra fees to be used exclusively for wildlife preservation?)—Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: For—613,921 Against—362,195.

REFERENDUM BILL NO. 34 (Chapter 152, Laws of 1974 Extraordinary Session—Shall a state lottery be conducted under gambling commission regulations with prizes totaling not less than 45% of gross income?)—Filed April 26, 1974. Measure submitted to the voters for decision at the November 5, 1974 state general election, received the following vote: For—515,404 Against—425,903, and thus failed to be approved by a sixty percent majority of the voters voting on the measure, see state Constitution, Amendment 56 and AGLO 1974 No. 49.

REFERENDUM BILL NO. 35 (Chapter 89, Laws of 1975 1st Extraordinary Session—Shall the Governor, in filling U.S. Senate vacancies, be limited to the same political party as the former incumbent?)—Filed March 27, 1975. Measure submitted to the voters for decision at the November 4, 1975 state general election and was defeated by the following vote: For—430,642 Against—501,894.

\*REFERENDUM BILL NO. 36 (Chapter 104, Laws of 1975-'76 2nd Extraordinary Session—Shall certain appointed state officers be required to file reports of their financial affairs with

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\*Indicates measure became law.

## REFERENDUM BILLS

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the public disclosure commission?)—Filed March 19, 1976. Measure submitted to the voters for decision at the November 2, 1976 state general election and was approved by the following vote: For--963,309 Against--419,693.

\*REFERENDUM BILL NO. 37 (Chapter 221, Laws of 1979 Extraordinary Session, Shall \$25 Million in State General Obligation Bonds be Authorized for Facilities to Train, Rehabilitate and Care for Handicapped Persons?)—Filed June 11, 1979. Measure submitted to the voters for decision at the November 6, 1979 state general election and was approved by the following vote: For--576,882 Against--286,365.

\*REFERENDUM BILL NO. 38 (Chapter 234, Laws of 1979 Extraordinary Session, Shall \$125 Million in State General Obligation Bonds be Authorized for Planning, Acquisition, Construction and Improvement of Water Supply Facilities?)—Passed November 4, 1980. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For--1,008,646 Against--527,454.

\*REFERENDUM BILL NO. 39 (Chapter 159, Laws of 1980, 46th Legislature, Shall \$450,000,000 in State General Obligation Bonds be Authorized for Planning, Designing, Acquiring, Constructing and Improving Public Waste Disposal Facilities?)—Passed November 4, 1980. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For--964,450 Against--558,328.

REFERENDUM BILL NO. 40 (Chapter 1, Laws of 1986, 1st extraordinary session, Shall state officials continue challenges to the federal selection process for high-level nuclear waste repositories and shall a means be provided for voter disapproval of any Washington site?)—Filed August 1, 1986. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For--1,055,896 Against--222,141.

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\*Indicates measure became law.

## HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

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### HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED SINCE STATEHOOD

- No. 1. Amending Section 5, Article XVI. Re: **Permanent School Fund.** Adopted November, 1894.
- No. 2. Amending Section 1, Article VI. Re: **Qualification of Electors.** Adopted November, 1896.
- No. 3. Amending Section 2, Article VII. Re: **Uniform Rates of Taxation.** Adopted November, 1900.
- No. 4. Amending Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1904.
- No. 5. Amending Section 1, Article VI. Re: **Equal Suffrage.** Adopted November, 1910.
- No. 6. Amending Section 10, Article III. Re: **Succession in Office of Governor.** Adopted November, 1910.
- No. 7. Amending Section 1, Article II. Re: **Initiative and Referendum.** Adopted November, 1912.
- No. 8. Adding Sections 33 and 34, Article I. Re: **Recall.** Adopted November, 1912.
- No. 9. Amending Section 16, Article I. Re: **Taking of Private Property.** Adopted November, 1922.
- No. 10. Amending Section 22, Article I. Re: **Right of Appeal.** Adopted November, 1922.
- No. 11. Amending Section 4, Article VIII. Re: **Appropriation.** Adopted November, 1922.
- No. 12. Amending Section 5, Article XI. Re: **Consolidation of County Offices.** Adopted November, 1924.
- No. 13. Amending Section 15, Article II. Re: **Vacancies in the Legislature.** Adopted November, 1930.
- No. 14. Amending Article VII. Re: **Revenue and Taxation.** Adopted November, 1930.
- No. 15. Amending Section 1, Article XV. Re: **Harbors and Harbor Areas.** Adopted November, 1932.
- No. 16. Amending Section 11, Article XII. Re: **Double Liability of Stockholders.** Adopted November, 1940.
- No. 17. Amending Section 2, Article VII. Re: **40-Mill Tax Limit.** Adopted November, 1944.
- No. 18. Adding Section 40, Article II. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only.** Adopted November, 1944.
- No. 19. Adding Section 3, Article VII. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow.** Adopted November, 1946.
- No. 20. Adding Section 1, Article XXVIII. Re: **Legislature to fix the salaries of state elective officials.** Adopted November, 1948.
- No. 21. Amending Section 4, Article XI. Re: **Permit counties to adopt "Home Rule" charters.** Adopted November, 1948.
- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials. (These officials can now hold same office more than two terms in succession.)** Adopted November, 1948.
- No. 23. Adding Section 16, Article XI. Re: **Permitting the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more.** Adopted November, 1948.

## HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

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- No. 24. Amending Article II, Section 33. Re: **Permitting ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.
- No. 25. Adding Section 3(a), Article IV. Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. Adding Section 41, Article II. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. Amending Section 6, Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. Amending Sections 6 and 10, Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. Amending Article II, Section 33. Re: **Redefining "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.
- No. 30. Adding Section 1A, Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. Amending Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.
- No. 32. Amending Section 2, Article XV. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.
- No. 33. Amending Section 1, Article XXIV. Re: **Modification of state boundaries by compact.** Adopted November, 1958.
- No. 34. Amending Section 11, Article I. Re: **Employment of chaplains at state institutions.** Adopted November, 1958.
- No. 35. Amending Section 25, Article II. Re: **Pensions and Employees' Extra Compensation.** Adopted November, 1958.
- No. 36. Amending Section 1, Article II by adding a new subsection (e). Re: **Publication and Distribution of Voters' Pamphlet.** Adopted November, 1962.
- No. 37. Amending Section 1, Article XXIII. Re: **Publication of Proposed Constitutional Amendments.** Adopted November, 1962.
- No. 38. Adding Section 2(c), Article IV. Re: **Temporary Performance of Judicial Duties.** Adopted November, 1962.
- No. 39. Adding Section 42, Article II. Re: **Governmental Continuity During Emergency Periods.** Adopted November, 1962.
- No. 40. Amending Section 10, Article XI. Re: **Lowering minimum population for first class cities from 20,000 to 10,000. Also changing newspaper publication requirements for proposed charters.** Adopted November, 1964.
- No. 41. Amending Section 29, Article IV. Re: **Election of Superior Court Judges.** Adopted November, 1966.
- No. 42. Repealing Section 33, Article II and Amendments 24 and 29. Re: **Alien Ownership of Lands.** Adopted November, 1966.
- No. 43. Amending Section 3, Article IX. Re: **Funds for Support of the Common Schools.** Adopted November, 1966.
- No. 44. Amending Section 5, Article XVI. Re: **Investment of Permanent Common School Fund.** Adopted November, 1966.

## HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

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- No. 45. Adding Section 8, Article VIII. Re: **Port Expenditures—Industrial Development—Promotion.** Adopted November, 1966.
- No. 46. Adding Section 1A, Article VI. Re: **Voter Qualifications for Presidential Elections.** Adopted November, 1966.
- No. 47. Adding Section 10, Article VII. Re: **Retired Persons Property Tax Exemption.** Adopted November, 1966.
- No. 48. Amending Section 3, Article VIII. Re: **Public Special Indebtedness, How Authorized.** Adopted November, 1966.
- No. 49. Adding Section 1, Article XXIX. Re: **Investments of Public Pension and Retirement Funds.** Adopted November, 1968.
- No. 50. Adding Section 30, Article IV. Re: **Court of Appeals.** Adopted November, 1968.
- No. 51. Adding Section 9, Article VIII. Re: **State Building Authority.** Adopted November, 1968.
- No. 52. Amending Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office.** Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office.** Adopted November, 1968.
- No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use.** Adopted November, 1968.
- No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term.** Adopted November, 1968.
- No. 55. Amending Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 56. Amending Section 24, Article II. Re: **Lotteries and Divorce.** Adopted November, 1972.
- No. 57. Amending Section 5, Article XI. Re: **County Government.** Adopted November, 1972.
- No. 58. Amending Section 16, Article XI. Re: **Comblned City—County.** Adopted November, 1972.
- No. 59. Amending Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 60. Amending Section 1, Article VIII. Re: **State Debt.** Also amending Section 3, Article VIII. Re: **Special Indebtedness, How Authorized.** Approved November, 1972.
- No. 61. Adding new Article XXXI. Re: **Sex Equality, Rights and Responsibilities.** Adopted November, 1972.
- No. 62. Amending Section 12, Article III. Re: **Veto Power.** Adopted November, 1974.
- No. 63. Amending Section 1, Article VI. Re: **Qualifications of Electors.** Adopted November, 1974.
- No. 64. Amending Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1976.
- No. 65. Amending Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Also amending Section 10, Article IV. Re: **Justices of the Peace.** Adopted November, 1976.
- No. 66. Amending Section 18, Article XII. Re: **Rates for Transportation.** Adopted November, 1977.
- No. 67. Repealing Section 14, Article XII. Re: **Prohibltion Against Combinations by Carriers.** Adopted November, 1977.
- No. 68. Amending Section 12, Article II. Re: **Legislative Sessions, When—Duration.** Adopted November, 1979.

## HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

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- No. 69. Amending Section 13, Article II. Re: **Limitation on Members Holding Office in the State.** Adopted November, 1979.
- No. 70. Adding Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1979.
- No. 71. Adding Section 31, Article IV. Re: **Judicial Qualifications Commission—Removal, Censure, Suspension, or Retirement of Judges or Justices.** Adopted November, 1980.
- No. 72. Amending Sections 1 and 1(a), Article II. Re: **Legislative Powers, Where Vested and Initiative and Referendum, Signatures Required.** Adopted November, 1981.
- No. 73. Adding Section 1, Article XXXII. Re: **Special Revenue Financing.** Adopted November, 1981.
- No. 74. Adding Section 43, Article II. Re: **Redistricting.** Adopted November, 1983.
- No. 75. Amending Section 1, Article XXIX. Re: **May be Invested as Authorized by Law.** Adopted November, 1985.
- No. 76. Adding Section 11, Article VIII. Re: **Agricultural Commodity Assessments—Development, Promotion, and Hosting.** Adopted November, 1985.
- No. 77. Amending Section 31, Article IV. Re: **Commission on Judicial Conduct—Removal, Censure, Suspension, or Retirement of Judges or Justices—Proceedings.** Adopted November, 1986.
- No. 78. Amending Section 1, Article XXVIII. Re: **Salaries for Legislators, Elected State Officials, and Judges—Independent Commission—Referendum.** Adopted November, 1986.
- No. 79. Amending Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1986.

