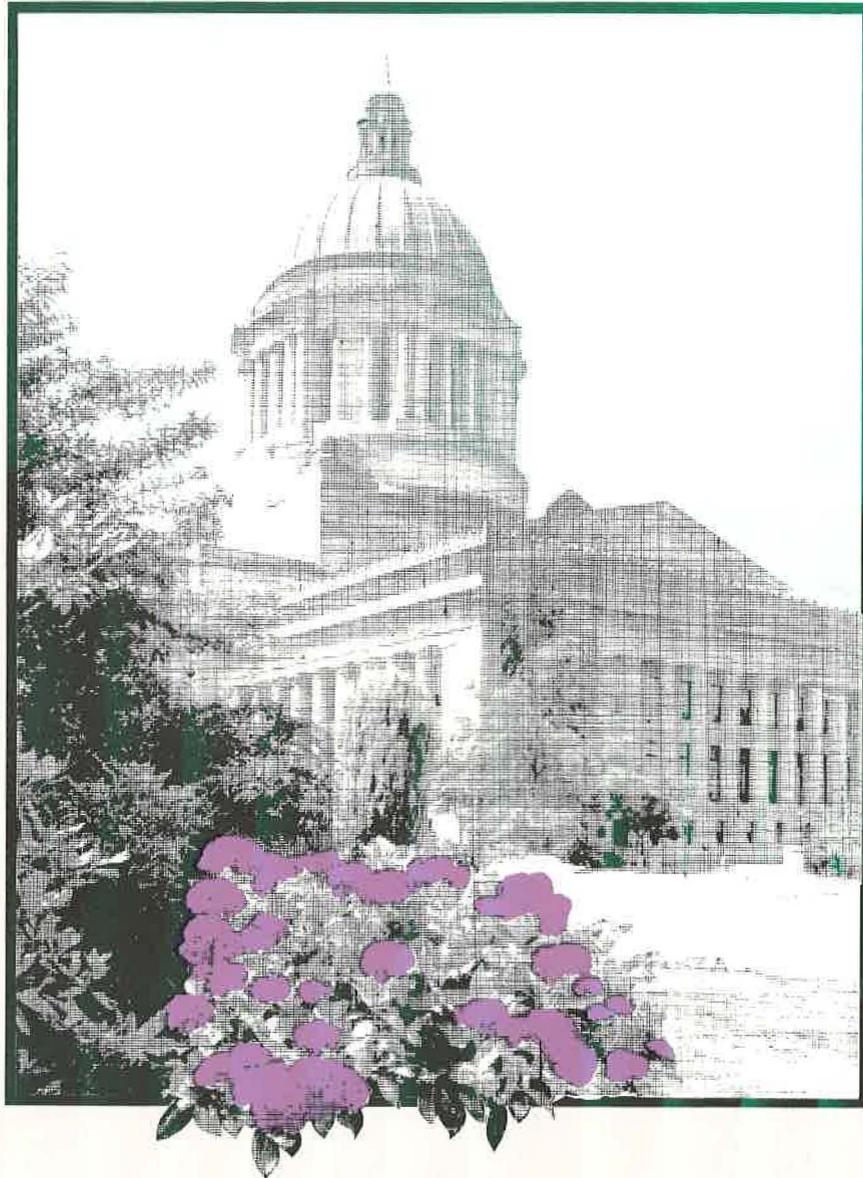


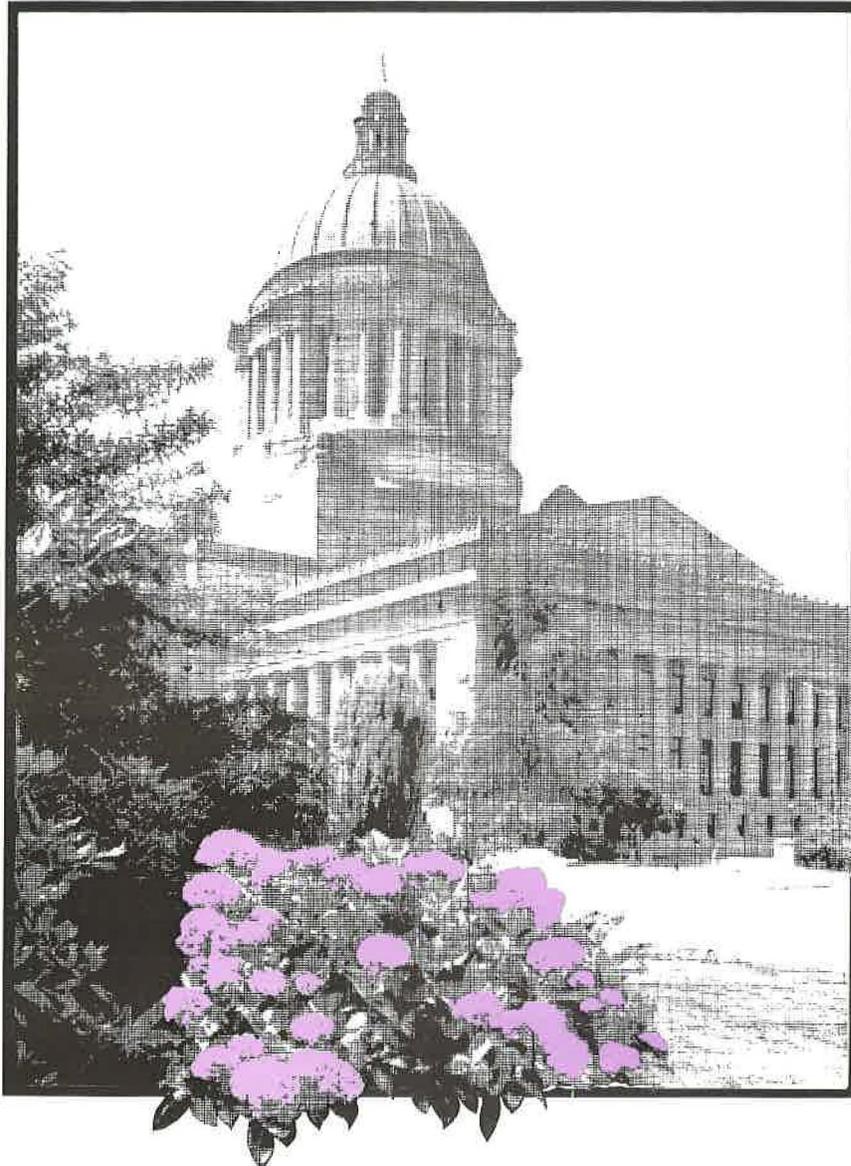
Final Legislative Report



Fiftieth Washington State Legislature

**1987 Second and Third Special and
1988 Regular and First Special Sessions**

Fiftieth Washington State Legislature



1987 Second Special Session, August 10, 1987

1987 Third Special Session, October 10, 1987

1988 Regular Session, January 11, 1988 through March 10, 1988

1988 First Special Session, March 11, 1988 through March 12, 1988

This final edition of the 1988 Legislative Report is available from:

The Legislative Bill Room
Legislative Building
Olympia, Washington 98504

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For more detailed information regarding legislation, contact:

The House Office of Program Research
205 House Office Building
Olympia, Washington 98504
(206) 786-7100

Senate Committee Services
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Olympia, Washington 98504
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The photograph used on the cover and divider pages of this edition of the Legislative Report is a tribute to the beauty of the flowering foliage located on the capitol campus in Olympia.



WASHINGTON STATE LEGISLATURE

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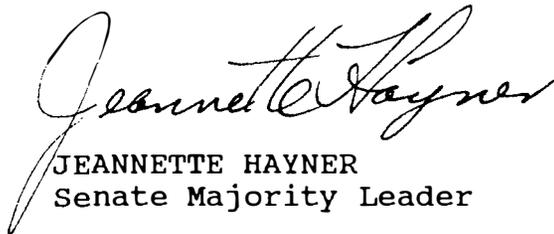
April, 1988

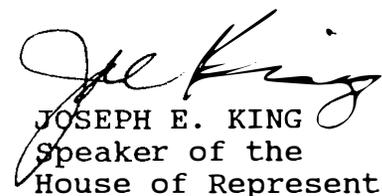
TO: Lieutenant Governor John A. Cherberg
Members of the Washington State Legislature

This final edition of the Legislative Report is a summary of legislative action during the 1988 Regular Session and the 1987 Second and Third Special Sessions. It provides summaries of legislation which passed the Legislature, budget highlights and a record of all gubernatorial actions.

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

Sincerely,


JEANNETTE HAYNER
Senate Majority Leader


JOSEPH E. KING
Speaker of the
House of Representatives

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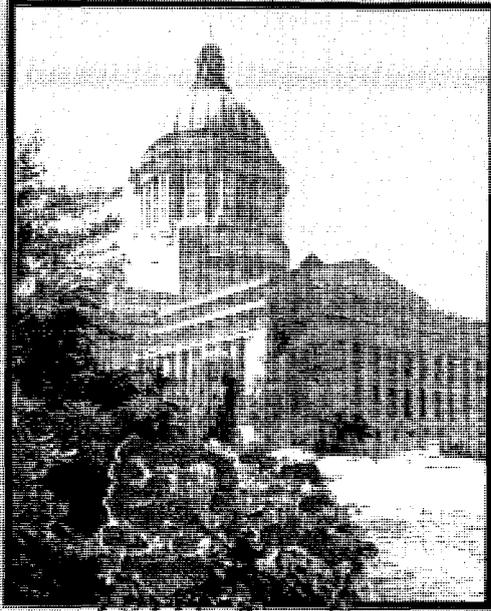
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Statistical Summary

1987 Second and Third Special Sessions and 1988 Regular and First Special Sessions of the 50th Legislature

Bills Before Legislature	Introduced	Passed Legislature	Vetoed	Partially Vetoed	Enacted
<i>1987 2nd Special Session (August 10, 1987)</i>					
House	5	2	0	0	2
Senate	7	2	0	0	2
<i>1987 3rd Special Session (October 10, 1987)</i>					
House	3	1	0	0	1
Senate	6	1	0	0	1
<i>1988 Regular Session (January 11 - March 10)</i>					
House	791	149	0	16	149
Senate	668	143	3	9	140
<i>1988 1st Special Session (March 11 - March 12)</i>					
House	5	1	0	1	1
Senate	9	1	0	1	1

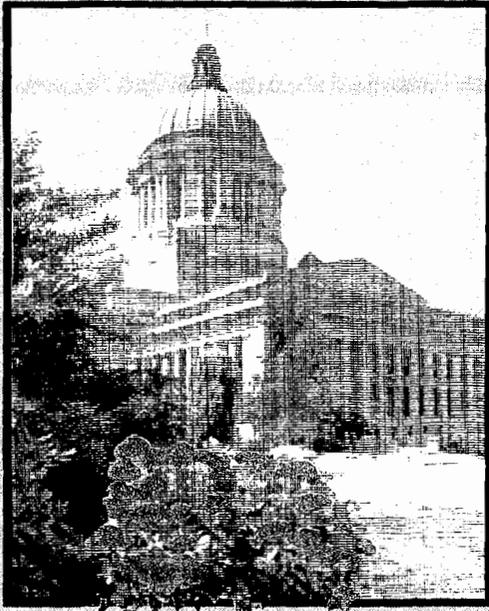
Initiatives, Joint Memorials, Joint Resolutions and Concurrent Resolutions Before Legislature	Introduced	Filed
<i>1987 2nd Special Session (August 10, 1987)</i>		
House	1	0
Senate	3	2
<i>1987 3rd Special Session (October 10, 1987)</i>		
House	0	1
Senate	1	1
<i>1988 Regular Session (January 11 - March 10)</i>		
House	62	13
Senate	46	9
<i>1988 1st Special Session (March 11 - March 12)</i>		
House	5	3
Senate	1	1

Gubernatorial Appointments	Referred	Confirmed
<i>1987 2nd Special Session (August 10, 1987)</i>	0	0
<i>1987 3rd Special Session (October 10, 1987)</i>	46	0
<i>1988 Regular Session (January 11 - March 10)</i>	40	87
<i>1988 1st Special Session (March 11 - March 12)</i>	0	0

Section I Legislation Passed



House Legislation
Senate Legislation
Budget Information
Sunset Legislation



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SHB 46
C 261 L 88

By Committee on Local Government (originally sponsored by Representatives May, Ferguson, Haugen, Lux, Miller, Betrozoff, Allen, Braddock, Hine, Leonard and J. Williams)

Providing for the distribution of the local watercraft excise tax to cities and towns providing marine patrol services.

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

Background: Counties are authorized to impose an excise tax on certain watercraft at a rate of up to \$.50 per foot per year, if the population of the unincorporated area of the county, together with the population of any city that is a party to an interlocal agreement with the county, equals at least two-thirds of the total population of the county. The interlocal agreement may provide that the county gives some of the tax revenues to municipal corporations that are parties to the agreement and provide boating safety services.

Summary: Each city or town providing marine patrol services in a county must be party to an interlocal agreement authorizing the county to impose a watercraft excise tax before the county can impose the tax. Each of these cities and towns must receive a portion of the revenues from this tax. Such an agreement on the revenue sharing arrangement must be made by April 1 of each year, or an arbitration process is used to determine the revenue sharing arrangement.

Votes on Final Passage:

House 59 35
Senate 27 20

Effective: June 9, 1988

HB 254
C 88 L 88

By Representatives Walk, Schmidt and Gallagher; by request of Department of Licensing

Imposing a penalty fee for the renewal of driver's licenses that have expired.

House Committee on Transportation
Senate Committee on Transportation

Background: A "new" driver's license is one issued to a person not previously licensed in the state, or to a driver whose Washington driver's license has expired.

A person applying for a new driver's license, or renewal of a previously issued license, must pass a driver's license examination; however, the Department of Licensing may waive all or a portion of the examination for a renewal of a license.

A person with an expired driver's license must apply for a new license if they desire to become licensed again. He or she must take the Department's driver's license examination and pay the examination fee of \$7 in addition to the \$14 driver license fee.

The department may waive all or part of the examination and examination fee for a person with an expired license only in cases where a person is outside the state or is unable to renew their driver's license because of an incapacity. The individual must apply for renewal within 60 days of returning to the state or 60 days after the end of the incapacity.

All out-of-state driver's licenses are required to be surrendered when an application for a Washington driver's license is filed.

Summary: A "new" driver's license is defined as one issued to a driver who has not been previously licensed in Washington state, or to a driver whose previously issued Washington driver's license has been expired for more than four years.

A \$10 penalty fee shall be charged on applications for renewal of a driver's license that has been expired for more than 60 days but less than four years.

The penalty fee is not assessed to those persons who were outside the state or incapacitated at the time of license expiration, provided an application for renewal is filed with the Department within 60 days of returning to the state or 60 days from the end of the incapacity.

All out-of-state driver's licenses surrendered when applying for a Washington license shall be invalidated and returned to the applicant.

Votes on Final Passage:

House 91 1
Senate 44 0 (Senate amended)
House 93 0 (House concurred)

Effective: June 9, 1988

HB 280
C 8 L 88

By Representatives Heavey, Schmidt and Walk; by request of Department of Licensing

Changing provisions relating to the suspension of a driver's license for failure to report an accident.

House Committee on Transportation

Senate Committee on Transportation

Background: The driver of any vehicle involved in any accident resulting in personal injury, death, or property damage of \$500 or more, must file copies of an accident report with the local law enforcement agency, the Washington State Patrol and the Department of Licensing.

Driver's licenses, permits or driving privileges for nonresidents must be suspended by the Department of Licensing for failure to report an accident until the report is filed.

Summary: The Department of Licensing is granted discretion over whether to suspend a driver's license, permit or nonresident driving privilege for failure to file an accident report.

Votes on Final Passage:

House	92	2
Senate	49	0

Effective: June 9, 1988

2SHB 318

C 248 L 88

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Lux, P. King, Nutley, Prince and Chandler; by request of Insurance Commissioner)

Revising provisions on insurance.

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

Background: The Insurance Commissioner has established and operated a consumer complaint section within the commissioner's office for many years. This function of the commissioner's office is not specifically required by statute.

A person who is the subject of an order issued by the commissioner is permitted to request a hearing on the order within 90 days of receiving notice of the order. The notice provisions of the statute do not address notice, which is sent by mail.

When the Insurance Commissioner has issued an order suspending, revoking or refusing to renew an agent's, broker's, solicitor's or adjuster's license, the person denied the license may appeal the order and if the person posts a bond in the amount of \$500, the order may be suspended pending the outcome of the appeal.

If an insurer loses its authority to do business in Washington, the insurer may no longer issue or renew policies in this state.

Insurers are required to report loss and expense experience for certain property and casualty insurance lines by the first day of March of each year.

Fees for taking an exam to obtain a license as an agent, broker, solicitor or adjuster are \$5 for processing the first examination for a license, \$50 for a broker's license, and \$10 for all other examinations except those conducted by an independent testing service whose fees are approved by the commissioner.

If another state establishes a fine or penalty of a certain amount that may be imposed upon Washington insurers for violations of that state's laws, then Washington may impose a fine or penalty of a similar amount, for similar violations of Washington laws, upon insurers of the other state. This statute is commonly referred to as a "retaliatory" provision and is designed to ensure equal treatment of insurers headquartered in Washington when they do business in other states.

A person may not obtain an agent or broker license if the person intends to use the license primarily to obtain insurance on his or her own "risks." The statutory definition of risk was repealed in 1985.

If an application for insurance has been rejected by the life or disability insurer of the agent submitting the application, the agent may submit the application with another insurer even if the agent is not an agent of the other insurer.

Persons who receive premiums or return premiums on behalf of an insurance company or insured are subject to criminal penalties for misappropriation of the premiums.

No agent or broker may compensate an unlicensed person to solicit or assist in the procurement of business unless the compensation is in the form of a salary paid irrespective of whether a policy is actually issued.

If the commissioner finds that the public safety is in jeopardy, the commissioner may temporarily suspend an agent's license. However, the suspension is effective only until revocation proceedings are concluded. Notice of the temporary suspension must be given at least three days prior to the effective date of the suspension and must include a notice of revocation.

Agents and brokers are permitted to charge a fee for services provided beyond those customarily provided during an insurance sale.

Insurance agents are required to maintain a separate account for insurance premiums.

Automobile insurance companies must offer collision and comprehensive coverage in an amount necessary to cover the total loan liability of the insured on a motor vehicle even if the coverage exceeds the actual value of the vehicle.

No lender may sell insurance for the protection of real property until the lender has made a commitment to lend money.

Health care service contractors are entitled to an automatic hearing on any order or other regulatory action taken by the commissioner against the contractor.

Summary: The Insurance Commissioner is required to provide assistance to consumers in resolving complaints and in providing information that involves insurers and other licensees.

The commissioner may send notice of an order to the affected person by mail at the person's most recent address shown in the commissioner's records. All persons licensed under the insurance code must notify the commissioner of any change of address. Notice sent to the most recent address is deemed to be notice to the person.

The provision of the insurance code that permits a stay of suspension, revocation or refusal to issue an agent's license upon the posting of a \$500 bond is repealed.

A policy that has been issued by an insurer who loses its authority to do business after issuing the policy may be renewed and continued in force despite the loss of authorization.

Procedures are adopted for the transfer of an insurance company's place of business to or from the state of Washington.

The deadline for filing loss and expense experience for certain property and casualty insurance lines is extended to the first day of May of each year.

The specific application fees charged for processing an initial examination to obtain an agent's license and for a broker's examination are deleted. A \$10 fee will be assessed for all agent and broker exams administered by the commissioner. In addition, a technical amendment is made to the section authorizing independent testing services to collect a fee for administering exams. Independent testing services may now also keep the fee for their services.

The "retaliatory" tax provision of the insurance code is amended to delete the reference to "fines and penalties." The result of this change is to permit

Washington to impose a more equitable and rational retaliatory fine or penalty for delinquent taxes.

The provision prohibiting agents from obtaining a license if the principal purpose of the license is to place coverage for the agent's own risks is deleted.

An agent who places insurance with another company after the agent's own company rejects an insurance application is deemed to be the agent of the other company as to the policy issued.

Persons who receive any funds on behalf of an insurer or insured is deemed to act in a fiduciary capacity and is subject to criminal penalties for misappropriation of funds.

Payment by an agent or broker is permitted for services furnished by an unlicensed person who does not participate in the insurance transaction and whose compensation is not contingent upon an insurance sale.

The commissioner may temporarily suspend an agent's license after notice of revocation if the public safety or welfare is threatened.

Agents and brokers who provide services beyond those customarily provided in conjunction with an insurance sale may reduce the fee charged for these additional services to the extent a full fee would result in the client's double payment for the same services.

Title insurers and agents and brokers whose average daily balance of provisions exceed \$1 million dollars, are exempted from statutory provisions requiring a separate account for insurance premiums.

Automobile insurers may limit collision and comprehensive coverage for the insured's loan liability on private passenger automobiles and motor homes to accidents that totally destroy the covered vehicle.

Lenders are prohibited from selling insurance to a borrower prior to making a commitment to lend money for personal property as well as real property.

Health care service contractors are not entitled to an automatic hearing but must request a hearing on any order or other regulatory action taken by the commissioner against a contractor.

The Insurance Commissioner is directed to create a committee to review health care coverage for a condition known as temporomandibular joint disorder.

Votes on Final Passage:

House	88	0	
Senate	44	0	(Senate amended)
House	97	0	(House concurred)

Effective: June 9, 1988
March 24, 1988 (Section 5)

2SHB 537

C 100 L 88

By Committee on Transportation (originally sponsored by Representatives Schmidt, Zellinsky, Brough, Sayan, Schoon, Meyers, May, P. King and Pruitt)

Restructuring ferry advisory committees.

House Committee on Transportation
Senate Committee on Transportation

Background: The 1961 Legislature created local Ferry Advisory Committees consisting of five members appointed to four-year terms by the legislative authority of each county served by the Washington State Ferry System. Each Ferry Advisory Committee exists to represent the interests and concerns of persons in their area who are frequent users of the ferry system. Ferry Advisory Committee members serve without compensation or reimbursement for travel expenses incurred when attending meetings.

Current law provides for the legislative authority of Clallam, Island, Jefferson, King, Kitsap, Pierce, San Juan, Skagit, and Snohomish counties to each appoint a five-member committee to serve as an advisory committee to the department. At least one member of each advisory committee must be a representative of an established ferry user group: one must represent ferry-dependent business, and one must be from a local governmental transportation planning body. In addition, all members must be residents of the county upon whose advisory committee they sit. Not more than three members of any one committee shall at the time of their appointment be members of the same major political party.

Summary: This bill changes the area from which most members of the Ferry Advisory Committees are picked. The San Juan, Skagit, Clallam and Jefferson committees would still be picked from a countywide area. The remaining Ferry Advisory Committee members would be picked by terminal area. Vashon Island will have one committee with its members appointed by the Vashon/Maury Island Community Council.

All members of the terminal-area committees must live in the vicinity of the ferry terminal, and one member must be a representative of an established ferry user group or a frequent user of the ferry system.

Not more than two of any three-member committee shall be from the same political party. In those counties with more than one terminal, the overall political balance shall be as nearly equal as possible. Initially, all terms are staggered and are four-year terms.

The chair of each Ferry Advisory Committee shall constitute a newly-created executive committee. The

Marine Division is mandated to meet with the executive committee twice a year to review ferry system policies.

Votes on Final Passage:

House	89	9	
Senate	46	0	(Senate amended)
House	87	6	(House concurred)

Effective: June 9, 1988

SHB 608

C 142 L 88

By Committee on Judiciary (originally sponsored by Representatives P. King, Hargrove, Patrick, Heavey, Padden, Kremen, Crane, Bristow, Appelwick, Locke, Lewis, Moyer, L. Smith, Holm, Haugen, Todd, Jesernig and Sanders)

Imposing penalties for malicious reporting of child or dependent adult abuse or neglect.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Health care practitioners, school professionals, social workers, pharmacists and employees of the Department of Social and Health Services are required to notify a law enforcement agency or the department when there is reasonable cause to believe that a child or dependent adult is subject to abuse or neglect. The report must be made within 48 hours of the time the person has reasonable cause to believe there is abuse or neglect.

Any other person who has reasonable cause to believe that a child or adult person is subject to abuse or neglect may report the situation to law enforcement personnel.

The department must report to local law enforcement any cases in which an abused or neglected person has either died of injuries or been subjected to sexual abuse. Law enforcement agencies must report such circumstances to the prosecuting authority.

A person who makes a good faith report of abuse is immune from liability in making the report or testifying in court. A hospital or physician is not liable for taking a child into custody because of suspected abuse or neglect.

Summary: Law enforcement agencies, when receiving a report of abuse or neglect, may interview the person making the report to determine if malice was involved in the reporting.

Any person who, intentionally and in bad faith or maliciously, knowingly makes a false report of child

abuse or neglect is guilty of a misdemeanor. A person convicted of making a false report is not immune from civil liability.

Votes on Final Passage:

House 94 0
Senate 32 16 (Senate amended)
House 70 27 (House concurred)

Effective: June 9, 1988

SHB 657

C 199 L 88

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisher, Sanders, H. Sommers, Miller, Lewis, Prince, Jacobsen, Fisch, Taylor, Jesernig, Wang, D. Sommers, Sutherland, Kremen, May, Brough, Ferguson, L. Smith, Cooper, Betrozoff, Hankins and Spanel; by request of Public Disclosure Commission)

Prohibiting false political advertising.

House Committee on Constitution, Elections & Ethics
Senate Committee on Law & Justice

Background: The public disclosure statutes prohibit a person from sponsoring political advertising that contains information the person knows to be false. A person or candidate is prohibited from making, directly or indirectly, a false claim stating or implying the support or endorsement of a person or organization. Further, no political advertising may falsely represent that a candidate is an incumbent for the office sought. In general, the responsibility for complying with these rules rests with the sponsor of the advertising.

Summary: Provisions of the public disclosure statutes prohibiting various forms of false information in political advertising are amended. The prohibitions apply to the sponsoring of political advertising containing such information when a person does so with knowledge of the falsity or with reckless disregard as to truth or falsity. Such actions by a person are violations of the public disclosure statutes. The violations must be proven by clear and convincing evidence.

Votes on Final Passage:

House 92 0
Senate 47 0 (Senate amended)
House (House refused to concur)
Senate 49 0 (Senate receded)

Effective: June 9, 1988

HB 662

C 94 L 88

By Representatives Vekich, McMullen, Grant, P. King, Hargrove, Madsen, Haugen, Zellinsky, Baugher, Bristow, Bumgarner, Fuhrman, Holland, Chandler, Nealey, L. Smith, Ferguson, Betrozoff, Moyer, Amondson, D. Sommers, McLean, Cooper, Rasmussen, Kremen, Fisch, Meyers, Todd, Jesernig, K. Wilson, S. Wilson, Sanders, Sutherland, Doty, May, Brough, Cantwell, Padden, Winsley and Holm

Specifying the grounds for bringing a products liability action based on design defects for firearms or ammunition.

House Committee on Trade & Economic Development

Senate Committee on Law & Justice

Background: In 1981 the Legislature enacted a law detailing the product liability of manufacturers and sellers. Under this law manufacturers are liable for any harm that has been proximately caused by the manufacturer's negligence in the design of a product. A product must be "reasonably safe as designed." To show that a product is not "reasonably safe as designed" a plaintiff must prove that the likelihood and seriousness of harm outweighs the burden on the manufacturer to design a product that would have prevented those harms, and the adverse effect that a practicable, feasible alternative would have on the usefulness of the product.

Sellers assume the liability of manufacturers in certain instances where the manufacturer is insolvent or not subject to the court's jurisdiction, or when the seller is involved in the design of the product or is in a subsidiary relationship with the manufacturer.

During the past five years, lawsuits have been filed in a number of states against handgun manufacturers alleging that handguns are unreasonably dangerous per se because they can be used to cause injury or death. Generally, these cases have been dismissed. However, in one case in another state, a court of appeals held that an action could be maintained against the makers of "Saturday night specials." There is growing concern that manufacturers or sellers of firearms or ammunition could be held liable anytime that they produced or sold a handgun used in the commission of a crime.

Summary: In a products liability action no firearm or ammunition shall be deemed defective in design on the basis that the benefits of the product do not outweigh the risk of injury posed by the potential of the firearm or ammunition to cause harm when discharged.

HB 662

Votes on Final Passage:

House 90 2
Senate 40 5

Effective: June 9, 1988

HB 668

C 217 L 88

By Representatives Braddock, Brooks and Holm

Authorizing the dental disciplinary board to adopt rules governing the use of anesthesia.

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

Background: Dental practice law contains no specific authority governing training and education requirements for the administration of sedation and anesthesia by dentists. The Dental Disciplinary Board has general authority to monitor the practice of dentistry and has disciplinary authority over dentists.

Summary: The Dental Disciplinary Board is authorized to adopt rules concerning the administration of sedation and general anesthesia for dental practice, including training, equipment, and certification or registration requirements.

Votes on Final Passage:

House 92 0
Senate 46 1 (Senate amended)
House 93 0 (House concurred)

Effective: June 9, 1988

SHB 692

C 141 L 88

By Committee on Judiciary (originally sponsored by Representatives Niemi, Locke, Jacobsen, Leonard, Sanders, P. King, May, Brough, L. Smith and Sprenkle)

Changing opium dens to houses where controlled substances are made or used in moral nuisance statute.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Moral nuisances include houses of prostitution, places where illegal gambling occurs, places where fighting, drunkenness or breaches of the peace occur, and "opium dens."

Prosecutors may proceed against a person who maintains a moral nuisance in two ways. First, a prosecutor may file a civil lawsuit against the operator of a moral nuisance or against the owner of the property where the nuisance is maintained. An owner or operator who has knowingly maintained a moral nuisance may be fined up to \$25,000. Second, prosecutors may initiate abatement procedures against the owner or operator of a moral nuisance. Abatement procedures allow for immediate shutdown of the alleged nuisance pending determination that a moral nuisance actually exists. There is some question whether modern drug operations, e.g. "rockhouses," are covered by the term "opium dens" in the moral nuisance law.

Summary: Buildings where illegal narcotics are used or delivered are declared to be moral nuisances.

In addition, a separate new procedure is provided for abating drug-related nuisances. Buildings used for the purpose of unlawfully selling or manufacturing illegal drugs are declared to be a nuisance if such activity has an adverse impact on the surrounding neighborhood. Buildings determined to be a nuisance are to be placed in the custody of the court and remain closed for a period of one year unless released sooner by the court.

When a complaint of a nuisance has been filed a court hearing must be granted within three days. Procedures are set forth for a court to determine if a building is a nuisance and to issue an order of abatement.

Prior to a court hearing a temporary restraining order or preliminary injunction may be granted if the person seeking the order gives a bond or other security of not less than \$1,000 to pay damages to a person wrongfully restrained.

An order of abatement may not be entered if the owner had no knowledge of the nuisance or has made reasonable efforts to abate the nuisance, has not been guilty of any contempt of court, and will prevent the building from being a nuisance for a period of one year.

An intentional or willful violation of an abatement order is punishable by a fine of not more than \$10,000 and imprisonment for not more than one year, or both.

Votes on Final Passage:

House 92 0
Senate 49 0 (Senate amended)
House 94 0 (House concurred)

Effective: June 9, 1988

SHB 752
PARTIAL VETO
C 266 L 88

By Committee on Judiciary (originally sponsored by Representatives Locke, Armstrong, P. King, Brough and Betrozoff; by request of Sentencing Guidelines Commission)

Revising the definition of second degree assault.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The assault statutes were rewritten in 1975 as part of the Washington Criminal Code. The assault statutes were again rewritten in 1986 and 1987, with these changes effective July 1, 1988. The current assault laws will be repealed when the 1986 and 1987 changes take effect.

Assault is not defined in statute; therefore, courts must look to common law (case law) for a definition. In common law assault is either causing apprehension of injury in the mind of the victim, or attempting a battery. Battery is any unauthorized touching or contact with the victim. Courts have combined the common law definitions of assault and battery in construing the criminal assault statutes.

Second degree assault, under both the current law and the new law effective July, 1988, includes the committing of assault without intending serious injury if serious circumstances exist in the commission of the assault, such as using a weapon or poison.

The current law requires that for second degree assault to apply, if no serious circumstances exist, a person committing assault must knowingly inflict serious injury. The new law, which takes effect July 1, 1988, provides that even when no serious circumstances exist, second degree assault still applies whenever serious injury results. This form of second degree assault is sometimes referred to as "strict liability" assault because the defendant's intent or lack of intent to cause injury is not relevant.

Summary: Assault is defined in statute as an attempt with unlawful force to inflict bodily injury, or a threatening act that a reasonable person believes would cause bodily injury; or the infliction of bodily injury by unlawful physical force or contact.

The definition of second degree assault that is to take effect on July 1, 1988 is modified. When no serious circumstances exist, such as using a weapon or poison, the person committing the assault must recklessly cause serious injury to be guilty of second degree assault.

A new form of second degree assault is added. A person can commit second degree assault by knowingly inflicting bodily harm that causes pain or agony that is the equivalent of torture.

Votes on Final Passage:

House	91	2	
Senate	33	13	(Senate amended)
House	90	1	(House concurred)

Effective: July 1, 1988

Partial Veto Summary: The statutory definition of assault is removed. (See VETO MESSAGE)

SHB 791
C 159 L 88

By Committee on Judiciary (originally sponsored by Representatives Crane, Ballard, Wineberry and P. King)

Regulating camping clubs.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: In 1982 the Legislature enacted a measure regulating camping clubs. A camping club is an enterprise that has the primary purpose of providing camping or outdoor recreation. A camping club contract that gives the purchaser an interest in camping club facilities is governed by the act. The Department of Licensing is responsible for enforcing the camping club act.

A camping club contract may not be sold in this state unless it is registered with the department. To apply for registration the applicant must fill out an application and include written disclosures that will be made to purchasers of the camping club contract. The disclosures must include the identity and experience of the operator and the identity of any affiliate of the camping club; the interest of the purchaser in the camping club; the location and description of then existing and planned facilities and other facilities the purchaser will be entitled to use; the payments required under the contract; limitations on transfers by the purchaser; and, in addition to other disclosures, a copy of the contract form. A registration is effective beginning 15 days after the date it is filed with the department unless the department issues an order suspending the registration.

The department may order funds from contract sales to be impounded if it determines there is likely to be a deficiency in the resources of the operator that will prevent it from providing the anticipated services.

The department may also order the operator to set aside in a separate account a portion of the contract sales funds to pay for property interests that are to be acquired by the purchaser.

At least five days prior to the use of any sales literature, contract forms, or disclosure supplements the operator must provide the material to the department for its review.

The department may deny, suspend or revoke an application or registration or impose a fine of up to \$1,000 for violations of the act. Violations include false or misleading advertising or sales practices or fraudulent acts, failure to file required documents, and failure to comply with rules adopted by the department. In addition, the department may take action if the operator is not financially responsible or has insufficient capital, if the operator or any officer has been convicted of an offense involving theft, fraud or dishonesty; or if the operator has withdrawn a substantial portion of camping club property from use by the purchasers without providing alternative facilities. An operator has a right to a hearing prior to entry of an order by the department.

A purchaser of a camping club contract may cancel the contract up to three days after entering into the agreement. The purchaser may also void a contract for up to two years after signing it if it was entered into without proper disclosures.

The department may assess a fee for registration of camping club contracts. A registration is good for one year. The registration may be amended.

A person selling camping club contracts must register with the department as a salesperson. An individual with past criminal offenses is not eligible to be a camping club salesperson. If the department determines it is necessary for the protection of purchasers, and finds that a salesperson has violated the provisions of the act, the salesperson's license may be suspended. The salesperson has the right to a hearing on the denial of a license or its suspension or revocation.

The department has authority to conduct investigations to determine whether registrations should be granted, denied or suspended. The department may issue subpoenas and may seek contempt orders to enforce its investigatory powers. The department may also issue cease and desist orders and temporary orders to halt violations of the act. A cease and desist order may be issued only after an opportunity for a hearing is provided.

It is a gross misdemeanor for a person to make false statements on an application, to engage in fraudulent activities relating to camping clubs, or to make a claim

that registration with the department is a determination by the department on the merits of the club. The consumer protection act is made applicable to the camping club act.

Summary: The camping club act is changed to the camping resort act.

The application to sell camping resort contracts must include information assuring the Department of Licensing that all required governmental permits have been complied with and a statement disclosing the potential effect on the purchaser if there is a foreclosure on any of the operator's properties. The application must also include an affidavit of the operator's right to withdraw, replace or change the camping resort properties. A consent to service of process on the department must also be filed. Exempt from registration are contracts for resale.

The department has 20 days after a completed application and all required fees have been filed to conduct its examination. The department must notify the applicant within seven days that it has received the completed application and required fees. The application must be signed by the operator or a trustee granted such power by the operator.

After the effective date of this act any new campground or campground on which underlying financial obligations are refinanced must have in place protections for purchasers of contracts. The protections must include a non-disturbance agreement. For campgrounds in existence prior to the effective date of the act the operator must provide financial or other assurances to the director that the campground will remain in operation. If these protections are not provided the department may require the titles, funds or receivables to be put in escrow, trust or impounds to protect the quiet enjoyment of the resort properties for the purchasers. No offering may be made until all required devices are put in place by the operator of the resort.

The operator of a camping resort must provide a membership list, when requested, to a purchaser of a camping resort contract. The operator may require the purchaser to sign an affidavit that the list will not be used for commercial purposes.

Prior to offering any promotional prizes or gifts in conjunction with an offering of camping resort contracts, the person making the offering must provide security with the department that the prizes or gifts will be fulfilled. The person entitled to a prize may sue for treble damages if the prize or gift is not made available.

In addition to existing prohibited activities that may lead to a civil penalty or revocation or denial of a registration, the following activities are prohibited: failure

to provide required security arrangements; employment of unregistered salespersons; breaching any escrow, impound or reserve account; making untrue or misleading statements; failing to provide written disclosures; failing to provide a bond when required; or selling or proposing to sell contracts in excess of the ratio of contracts to sites stated in the registration.

Instead of proceeding with a complaint alleging a violation of the act the department may enter into an agreement with a resort operator or a salesperson stating the alleged practices will cease. The operator or salesperson shall not be required to admit any violation of law as part of the agreement.

The department may establish fees for application and renewal of registrations, as well as for other activities requiring oversight by the department.

The act is declared an emergency and goes into effect immediately.

Votes on Final Passage:

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

Effective: March 21, 1988

SHB 932

C 264 L 88

By Committee on Housing (originally sponsored by Representatives Nutley, Padden, Leonard, Ebersole, Sanders, J. Williams, Lewis, Doty, Nealey, L. Smith, Brough, Winsley, Wineberry, Silver, Ballard, Betzoff, Taylor, Miller and D. Sommers)

Relating to rental payments to landlords from public assistance.

House Committee on Housing
Senate Committee on Governmental Operations

Background: The Department of Social and Health Services is authorized to administer public assistance programs. The administration of public assistance programs must conform with federal laws and be consistent with state public assistance laws.

The department allows public assistance payments to be made to third-parties on behalf of recipients when the recipient is not capable of self-care or when the recipient requests vendor payment. This option is not available to recipients who are capable of managing their own affairs.

Obtaining housing for many persons on public assistance is hampered because landlords are concerned about timely rental payments.

Summary: The Department of Social and Health Services is directed to implement a three-year pilot program providing for direct landlord payments. The program is intended to determine whether the direct payment of rent to landlords from public assistance funds would increase the housing available to persons on public assistance. The department will develop the program using from three to seven local governing bodies throughout the state.

The department is required to: 1) provide written notification to persons on public assistance, in the selected local governing bodies, that participation in the program is voluntary and that the landlord cannot require direct payment from the department, through the local governing body, without the recipient's authorization; 2) limit the amount available to the landlord, as a direct payment, to the lessor of 90 percent of the monthly public assistance grant allocated for rent, as determined by the department, or 90 percent of the recipient's rent payment; 3) recover incorrect payments from landlords, not recipients of public assistance; and 4) report to the legislature on the results of the pilot program in its annual report.

The landlord is required to: 1) enter into an agreement with the participating local governing body to participate in the program; and 2) notify the department of any planned termination of tenancy of the tenant.

The participating local governing board must: 1) administer the local program using existing housing providers, where appropriate; 2) disburse the direct payments to the landlords on behalf of the department; and 3) charge the landlord a monthly \$2 fee to cover the cost of administering each direct payment, which may not be charged to the tenant. The local government may also charge a fee, up to \$50, to inspect and certify that the housing unit meets the applicable housing quality standards used by the United States Department of Housing and Urban Development.

The pilot program expires June 30, 1991.

Votes on Final Passage:

House	91	1	
Senate	39	8	(Senate amended)
House	93	0	(House concurred)

Effective: June 9, 1988

SHB 1089

C 67 L 88

By Committee on Ways & Means/Revenue
(originally sponsored by Representative Rust)

Prohibiting a business and occupation tax deduction for amounts received as compensation from public entities for services rendered as employee benefits.

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

Background: Payments received from governments by a health or social welfare organization as compensation for health or social welfare services are exempt from the Business and Occupation tax (B&O).

In 1986 the Washington Supreme Court ruled that Group Health meets the statutory definition of a qualified health and social welfare organization. As such, it does not have to pay B&O tax on amounts received from federal, state and local governments under employee benefit plans.

Summary: For Business and Occupation tax purposes, health or social welfare organizations may not deduct amounts received under an employee benefit plan.

Votes on Final Passage:

House 96 0
Senate 48 0

Effective: June 9, 1988

SHB 1170

C 114 L 88

By Committee on Commerce & Labor (originally sponsored by Representative Patrick)

Changing requirements for physicians retained by the medical bureau of the department of labor and industries.

House Committee on Commerce & Labor
House Committee on Ways & Means/Appropriations
Senate Committee on Economic Development & Labor

Background: Some injured workers suffer industrial injuries that are permanently disabling. All permanent disability benefits are determined by the Department of Labor and Industries. The department or self-insured employer may require an injured worker to present him or herself for a medical examination. However, the worker retains the right to choose his or her attending physician. Self-insured employers are required to submit all medical reports and other claim

information to the department whenever a determination on the claim must be made.

Summary: The Department of Labor and Industries is directed to develop standards for the conduct of special medical examinations for determining permanent disabilities. The standards will include the qualifications of persons conducting examinations and the criteria for the examinations and reports. Compensation paid to examiners must be investigated and compensation guidelines established. Self-insured employers' compliance with reporting requirements will be assessed. The department will report no less than annually to the Legislature on the special medical examination program.

The department will also study the attending physician's role in assuring an injured worker's early return to work, consistent with good medical care, and report to the Legislature by December 1, 1988.

Votes on Final Passage:

House 91 0
Senate 47 0 (Senate amended)
House 97 1 (House concurred)

Effective: March 18, 1988

HB 1260

C 1 L 87 E2

By Representatives Grimm, Brough, Lewis, Beck, Walker, Betrozoff, Ballard, McLean, Moyer, Fisch, Amondson, Miller, Doty, C. Smith, Silver, Chandler, D. Sommers, Fisher, P. King, Schoon, Brooks, Leonard, May and Ferguson; by request of Governor Gardner

Providing minimum wages for low wage earner nursing home employees.

Background: Legislation was passed during the 1987 legislative session authorizing the Department of Social and Health Services to raise the minimum wages paid to nursing home employees. In addition, the department is required to provide wage increases for employees with seniority when the minimum wage is raised. The 1987-89 Appropriations Act provided funding for the minimum wage increase. It did not provide funds for the wage increase required for employees with seniority.

The governor vetoed the budget proviso language setting minimum wage standards for nursing home employees.

Summary: Funds are added to the 1987-89 Appropriations Act to fund wage increases for nursing home

employees with seniority. The biennial appropriation is increased by \$3 million, of which \$1.4 million is from the general fund-state.

The Department of Social and Health Services is authorized to limit reimbursement to the amount appropriated for legislatively authorized enhancement of nonadministrative wages and benefits above the moneys necessary to fund minimum wage.

Nursing homes contracting with the Department of Social and Health Services are required to establish minimum wages for their staff of \$4.76/hour beginning January 1, 1988, and \$5.15/hour beginning January 1, 1989.

Votes on Final Passage:

House	92	0
Senate	45	0

Effective: August 11, 1987

HB 1261

C 2 L 87 E2

By Representatives Grimm, Brough, Beck, Walker, Betrozoff, Ballard, McLean, Moyer, Fisch, Amondson, Miller, Doty, C. Smith, Silver, Chandler, D. Sommers, Fisher, P. King, Schoon, Brooks, Leonard, May and Ferguson; by request of Governor Gardner

Authorizing funds to increase the number of persons served in the chore services program and the community options program entry system.

Background: The 1987-89 biennial Appropriation for the chore services program is not sufficient to support the current caseload level throughout the biennium. The Department of Social and Health Services has taken actions to reduce the caseload level by restricting new clients entering the program to those leaving hospitals or nursing homes, or those requiring protective services. Chore services are funded from state funds and federal block grant funds.

The Community Options Program Entry System (COPES) provides chore services and personal care services to persons who would otherwise enter a nursing home. COPES services are funded under the federal Title XIX Medicaid program, and use approximately 50% federal and 50% state funds. The COPES appropriation level is not sufficient to expand services beyond the current caseload.

Summary: The appropriation for chore services and COPES is increased by a total of \$3 million in state

funds and \$1.5 million in federal funds. The Department of Social and Health Services is required to maximize use of the COPES program.

Votes on Final Passage:

House	91	1
Senate	45	0

Effective: August 11, 1987

HB 1264

C 1 L 87 E3

By Representatives Ebersole, Betrozoff, Grimm, Holland, Lewis, Patrick, Padden, B. Williams, McLean, Walk, Jacobsen and Lux; by request of Governor Gardner

Clarifying the staff-mix factor in the allocation formulas for salaries for instructional certificated employees.

Background: For the 1987-88 school year the original 1987-89 appropriations bill authorized school districts to raise their average salary for basic education certificated instructional staff to the greater of: the average salary generated by placing the district's 1987-88 staff on the statewide salary allocations schedule contained in the appropriations bill; or the district's 1986-87 average salary increased by 2.1 percent.

The appropriations bill provided a similar salary option for the 1988-89 school year. However, the salary schedule itself increases by 3.23 percent between these two years, therefore "catching up" with some of the higher-paying districts. Approximately 30 districts are anticipated to be funded "above the schedule" during 1988-89.

The statewide salary allocation schedule is for allocation purposes only, and school districts may design their own local schedules differently. However, school districts may not pay any certificated instructional employee less than the allocation schedule's beginning salary, and no teacher with a Masters Degree may be paid less than the allocation amount for a beginning teacher with a Masters Degree. These minimum salary requirements, enacted during the 1987 legislative session, may cause some lower-paid employees to receive larger increases than the other teachers in their district.

Districts that are funded using the statewide salary allocation schedule will receive funding adjustments for changes in the experience and education of their staff, according to the salary steps provided in that schedule. Districts "above the schedule," however, did not receive such funding adjustments, but were simply

limited to a 2.1 percent increase in their average salary. Increases due to changes in staff experience and education, as well as the increases to achieve the mandated minimum salary levels, had to be absorbed within the 2.1 percent average increase authorized for these districts.

Summary: The statute on state salary allocations for certificated instructional staff is amended in the case of school districts funded above the statewide salary allocation schedule, to allow the Superintendent of Public Instruction to adjust for changes in staff experience and education in determining these districts' salary allocations. An additional \$9 million is appropriated for the 1987-89 biennium to fund such adjustments for these districts. Also, an additional \$1 million is appropriated for the 1987-89 biennium to help fund the mandated minimum salaries for instructional staff.

For the 1987-88 school year a school district may increase its average salary for basic education instructional staff to the greater of: the average salary generated by placing the district's 1987-88 staff on the 1987-88 statewide salary allocation schedule; the district's 1986-87 average basic education instructional salary increased by 2.1 percent; or the district's 1986-87 derived base salary for basic education instructional staff, multiplied by the district's 1987-88 staff mix factor computed using Legislative Evaluation and Accountability Program (LEAP) Document 1, and increased by 2.1 percent.

For the 1988-89 school year, a school district may increase its average salary for basic education instructional staff to the greater of: the average salary generated by placing the district's 1988-89 staff on the 1988-89 statewide salary allocation schedule; or the district's 1987-88 derived base salary for basic education instructional staff, multiplied by the district's 1988-89 staff mix factor computed using LEAP Document 1, and increased by 2.1 percent.

LEAP Document 1 establishes "staff mix factors" for certificated instructional employees according to experience and education. The bill's changes in budget language therefore provided some funding adjustment for changes in staff experience and education, according to the LEAP Document schedule, in those districts with salary levels above the statewide salary allocation schedule.

The \$1 million appropriated to fund the minimum salary requirements is to be distributed in the 1987-88 and 1988-89 school years to pay the difference between the increase necessary to raise any employee to the mandated salary level, and the across-the-board salary increase funded by the state for the district's

instructional staff as a whole. In calculating this difference, no salary that an employee would have been paid in the 1986-87 school year shall be considered to be less than \$16,500 if the school district received state funds in that year to raise all certificated employees' salaries to at least \$16,500.

Votes on Final Passage:

House 83 3
Senate 40 0

Effective: October 16, 1987

HB 1270

C 3 L 88

By Representatives Braddock, Brooks, D. Sommers, Kremen, Vekich, Dellwo, Hine, May and P. King; by request of Department of Corrections

Revising provisions relating to work training release.

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

Background: Current law authorizes a maximum of three months in work release for offenders with sentences of less than three years, and up to six months for offenders with sentences of three or more years. The three-month work release program has been shown to be less effective than a six-month program in aiding the offender's effective transition into the community.

Summary: All offenders who qualify under the sentencing reform act will be allowed to serve the final six months of their sentences in a partial confinement work release program.

Votes on Final Passage:

House 91 0
Senate 47 1

Effective: January 1, 1989

SHB 1271

PARTIAL VETO

C 143 L 88

By Committee on Health Care (originally sponsored by Representatives Armstrong, Brooks, Braddock, May and P. King; by request of Department of Corrections)

Revising provisions relating to the department of corrections.

House Committee on Health Care

Senate Committee on Health Care & Corrections

Background: The creation of the Department of Corrections (DOC) and the Sentencing Reform Act (SRA) have brought about major changes in the corrections system. Not all of these changes are reflected properly in statute.

Presently, the corrections center at Shelton is limited to single cell housing. This limits DOC in housing offenders.

Summary: Numerous technical changes to the DOC statutes are made. RCW 72.13.091, which requires single cell housing at the corrections center, is repealed.

A new population limitation of 115 percent of rated capacity is placed on the Shelton Training Center. This will not affect the correction center. If necessary, the Governor may declare an emergency and increase by 15 percent the capacity for a period of 12 months.

Offenders are required to notify the court or community corrections officers prior to any change in their address or employment to allow for monitoring of court imposed conditions.

The tolling of confinement or supervision in the case of absconders or violators of sentence conditions is clarified.

Community supervision is set as of the date of sentencing. However, during such time when the offender is confined pursuant to the sentence or a violation of the sentence, the period of supervision shall be controlled.

An upper limit of 24 months is placed on the period of community supervision for consecutive sentences, except for exceptional sentences.

Votes on Final Passage:

House	83	15	
Senate	46	3	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)

Free Conference Committee

Senate	44	0
House	94	3

Effective: March 21, 1988

Partial Veto Summary: The vetoed language also appeared in HB 1424. The governor's veto thus avoids a double amendment. (See VETO MESSAGE)

HB 1272

C 149 L 88

By Representatives H. Sommers, Hankins and Crane; by request of Department of Corrections

Revising department of corrections employee assault benefits.

House Committee on State Government
Senate Committee on Health Care & Corrections

Background: In 1984 the Legislature created a supplementary program to partially reimburse employees of state correctional institutions who miss work as a result of being victims of inmate assaults.

Reimbursement may be made under this program only if the Secretary of the Department of Corrections or the Secretary's designee believes the employee's absence is justified. In addition, the Secretary or the Secretary's designee must find that: the employee was assaulted and received injuries requiring the employee to miss days of work; and the assault was not a result of the employee's negligence, misconduct or failure to comply with the conditions or rules of employment. The reimbursement authorized under this program is to be available for not more than one year.

In 1986 and 1987 this same reimbursement program was extended to institutional care employees of the Department of Social and Health Services and the Department of Veterans Affairs respectively.

As of January, 1988 3,426 employees of correctional institutions are covered by the 1984 supplemental reimbursement program. During the period of 1984 through 1987 there were 57 requests for reimbursement under this program, of which 51 requests were granted. These 51 requests accounted for a total of 1,406 days missed from work and a cost to the Department of Corrections of approximately \$45,000. (workers' compensation covers approximately 60 percent of the employees' salaries. The Department of Corrections' costs represent the remaining 40 percent.)

The Department of Corrections currently has 448 employees working in community corrections offices. Since 1981 the Department reports five incidents in which an employee of a community corrections office was assaulted while performing official duties. Only one of these five incidents resulted in the employee losing time from work.

Employees of community corrections offices are not covered under the 1984 supplemental reimbursement program because they do not work in correctional institutions.

Summary: The supplemental reimbursement program for employees of correctional institutions who are

HB 1272

assaulted on the job is extended to cover employees of community corrections offices who are assaulted by offenders.

The supplemental reimbursement provided by this program is to conform to the following:

(1) The agency may not require the employee to use sick leave for the days missed;

(2) The employee is to receive full pay for those days for which the employee is not eligible for workers' compensation;

(3) For those days for which the employee is eligible for workers' compensation, the employee is to be reimbursed in an amount which, when added to the workers' compensation, will allow the employee to receive full pay; and

(4) The employee will not be eligible for reimbursement if the employee does not diligently pursue workers' compensation benefits.

Offender is defined as an inmate, an offender as defined under the Sentencing Reform Act or any other person in the custody of or under the jurisdiction of the Department of Corrections. This definition includes residents of correctional institutions as well as persons under the jurisdiction of community corrections offices.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: June 9, 1988

HB 1278

C 133 L 88

By Representative Winsley

Authorizing continued superior court jurisdiction over weed control in certain lakes.

House Committee on Local Government
Senate Committee on Environment & Natural Resources

Background: Legislation was enacted in 1985 authorizing counties, cities and towns to create lake management districts to finance the lake improvement projects, including weed removal. A lake management district is created by an affirmative vote of the owners of property within the district who will make the payments for such purposes, with a property owner having one vote for each projected dollar of charge that will be imposed on his or her property.

This 1985 legislation removed the previous authority of lake weed removal projects from being financed under a system of assessments imposed by the superior

court of the county in which the lake is located. The ability was retained for maintaining lake levels under this superior court established process. This superior court process is initiated by petition of 10 property owners on a lake. The superior court assumes jurisdiction over the proposal if it finds that the proposal will be beneficial to property around the lake and imposes assessments on the property for this purpose. The court retains continuing jurisdiction over the proposal.

The old superior court process was used for weed control projects on several lakes in Pierce County.

Summary: The authority is continued for a superior court to retain jurisdiction over weed removal projects on any lake where the court initially had assumed such jurisdiction prior to July 28, 1985 (the effective date of the legislation removing the authority of superior courts to assume such jurisdiction).

Votes on Final Passage:

House	97	0	
Senate	42	5	(Senate amended)
House	93	0	(House concurred)

Effective: June 9, 1988

SHB 1279

PARTIAL VETO

C 155 L 88

By Committee on Health Care (originally sponsored by Representatives Braddock, Brooks and May; by request of Department of Corrections)

Revising provisions relating to financial and legal obligations of offenders.

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

Background: Under the Sentencing Reform Act (SRA) some convicted felons are eligible for alternatives to prison confinement. These alternatives include partial confinement and community service. In addition, felons may be ordered to pay fines, court costs, supervision fees or restitution. When sentences are imposed on felony offenders courts do not routinely specify terms for the payment of legal financial obligations. There are numerous instances where the offender's term of community supervision has expired with few or no payments being made. In addition, the SRA does not specify what legal financial obligations community corrections officers (CCOs) should monitor. The law expressly includes only "restitution and fines." In practice, the collection of other financial obligations such as court costs and supervision fees are

also monitored by CCOs. Further, the SRA provides no special method for victims to collect restitution or other damages if an offender defaults in the payment of restitution or other monetary obligations.

The SRA also does not require the court to set a time within which court-ordered community service hours must be completed.

The Crime Victims' Compensation Act regulates the payment of royalties to a convicted person for books or movies based on reenactment of the crime committed by the person. Generally, all such money goes to an escrow account for the benefit of victims of the crime. However, if the money is not claimed within five years it goes to the convicted person.

Summary: The Department of Corrections (DOC) is required to supervise the offender's requirement to meet monetary obligations. DOC shall set the rate of payments if not done so by the court.

The court is allowed to convert a term of partial confinement to total confinement; convert community service obligations to total or partial confinement; or convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage for each hour of community service.

Community service hours are to be completed within the period of community supervision or within a time specified by the court, not to exceed 24 months, on a schedule determined by DOC.

The victims' compensation law is amended so that only 50 percent, not all, of the money in an offender's royalty escrow account will be returned to the offender if the account is unclaimed for five years. The other 50 percent will be paid to the victims' compensation fund.

Votes on Final Passage:

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

Effective: June 9, 1988

Partial Veto Summary: The vetoed language also appeared in SHB 1424. The governor's action thus avoids a double amendment. (See VETO MESSAGE)

HB 1280

C 151 L 88

By Representatives Braddock, Brooks, Sprenkle, Crane, May and P. King; by request of Department of Corrections

Revising the crime of custodial assault.

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

Background: In 1987 a custodial assault bill was passed that established the offense of custodial assault. Custodial assault is a class C felony. This law applied only to assaults occurring in a local detention center or state corrections facility. There is no equal provision in the law, however, for penalizing a person who commits an assault while under the supervision of a community corrections officer or juvenile rehabilitation counselor.

Summary: The 1987 custodial assault law is amended to provide equal protection for all community corrections officers and juvenile rehabilitation counselors. A charge of custodial assault may be brought against anyone who assaults a full or part-time community corrections officer, or any full or part-time employee or any volunteer while he or she is performing his or her official duties in any juvenile corrections institution, juvenile detention facility, adult corrections institution or local adult retention facility.

Votes on Final Passage:

House	90	0
Senate	49	0

Effective: June 9, 1988

SHB 1285

C 95 L 88

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Taylor, Day, Padden, S. Wilson, Prince, Bumgarner, Dellwo, Smith, May, Moyer and Silver)

Providing an exemption to the bonding requirements for grain dealers.

House Committee on Agriculture & Rural Development

Senate Committee on Agriculture

Background: The state's laws regulating grain warehousing require grain dealers to be licensed and bonded. The annual licensing fee for a grain dealer is \$300 unless the dealer is also licensed as a grain warehouseman, in which case the fee is \$150. The minimum bond required for a grain dealer is \$50,000. In lieu of a bond a grain dealer may provide other security acceptable to the Department of Agriculture.

Summary: A grain dealer who pays for grain only in cash may be exempted by rule from the requirement of the grain warehousing laws that grain dealers be bonded. The grain dealer may be exempted if the

SHB 1285

dealer does \$100,000 or less in business annually. The licensing fee for a grain dealer exempted from the bonding requirement is \$75.

Votes on Final Passage:

House	96	1	
Senate	46	0	(Senate amended)
House	97	1	(House concurred)

Effective: June 9, 1988

HB 1288

C 101 L 88

By Representatives Haugen, S. Wilson, Rust, Ferguson, Kremen, Baugher, Cole, Vekich, Rayburn and P. King

Modifying hours during which liquor sales are allowed.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: State liquor stores may not sell liquor on Sundays. This restriction also applies to persons selling liquor as designated vendor/agents of the Liquor Control Board.

Summary: Designated vendor/agents of the Liquor Control Board may sell liquor of their own manufacture on Sundays if the board determines that unique circumstances necessitate Sunday liquor sales. A customer is limited to one case of liquor.

Votes on Final Passage:

House	87	5	
Senate	41	8	(Senate amended)
House	88	5	(House concurred)

Effective: June 9, 1988

HB 1292

C 160 L 88

By Representatives Jones, Patrick and Wang; by request of Liquor Control Board

Revising restrictions on minors employed by liquor licensees.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: Employees ages 18 to 21 who work in licensed premises may enter cocktail lounges, bars and

other areas off-limits to minors only for certain purposes identified in statute. These purposes are to pick up liquor, clean up, set up, arrange tables and deliver supplies.

Summary: The purposes for which employees ages 18 to 21 may enter cocktail lounges, bars and other areas off-limits to minors are expanded. Such employees may deliver messages, serve food, seat patrons and may also perform work assignments in addition to those listed.

Votes on Final Passage:

House	89	4	
Senate	40	9	(Senate amended)
House	94	0	(House concurred)

Effective: June 9, 1988

SHB 1295

C 200 L 88

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Walker and Cole; by request of Liquor Control Board)

Revising the fees for liquor licenses.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: Class G and J liquor licenses are special occasion licenses allowing a society or organization to sell beer and wine, respectively. The fee is \$20 per day.

Currently, if a license application is withdrawn or denied, the Liquor Control Board returns the license fee to the applicant.

When the period of suspension of a liquor license ends, the Liquor Control Board must return the license to the licensee with a notice of the suspension marked in red ink on the license.

Summary: The fee for Class G and J special occasion liquor licenses is raised from \$20 to \$35 per day.

An applicant for an annual retail liquor license must pay a \$75 nonrefundable application processing fee. If the application is approved, the application fee is applied toward the license fee.

The requirement that liquor license suspensions be marked on the license upon return of the license to the licensee is eliminated.

A requirement is added that all conditions imposed by the Liquor Control Board in the issuance of a license must be listed on the license, along with the trade name and address of the licensee and expiration date of the license.

Votes on Final Passage:

House	93	0	
Senate	34	15	(Senate amended)
House	94	0	(House concurred)

Effective: June 9, 1988

SHB 1297

C 134 L 88

By Committee on Agriculture & Rural Development
(originally sponsored by Representatives Rayburn,
Nealey, Kremen and McLean)

*Establishing procedures to foreclose on properties with
delinquent payments of assessments.*

House Committee on Agriculture & Rural Develop-
ment
Senate Committee on Agriculture

Background: The statutory procedure for foreclosing on delinquent assessments owed to an irrigation district is prescribed under obsolete statute law originally enacted in 1890. In Wenatchee Reclamation District v. Mustell, 102 Wn.2d 721 (1984), the Washington state supreme court invalidated this procedure on the ground that it violated "due process" requirements, particularly requirements pertaining to notification of parties with financial interests in the property to be foreclosed. As a result of this decision irrigation districts are effectively precluded from using foreclosure as a remedy for collecting delinquent irrigation assessments and costs and interests resulting from delinquency.

Summary: The irrigation district foreclosure law is repealed and a new more modern foreclosure procedure, designed to satisfy "due process" requirements, is established. This procedure, similar to the property tax foreclosure procedure, contains the following key requirements:

- (1) After irrigation district assessments are delinquent for three years, the district will prepare a certificate of delinquency containing, among other things, the lien amount of the assessments, costs, and interest due.
- (2) The district will then institute foreclosure proceedings and serve a "notice and summons" on each "party in interest." "Party in interest" is defined to include an occupant of the property, the owner of record, mortgage

holder, or other person having a financial interest of record in the property. The notice and summons must include, among other things, the lien amount due, a description of the property, a direction that the party should appear and defend the foreclosure action or pay the lien amount due, and a notice that failure to appear or pay the amount due will result in a foreclosure sale of the property at a specified date, time and place.

- (3) If the court finds for the district and renders a judgment of foreclosure, then, at least 10 days before the foreclosure sale, the district must publish a notice of sale specifying, among other things, the property to be sold, the lien amount due, the place, date and time of the sale, and that the sale will not take place if the amount due is paid at least one day before the date of the sale.
- (4) At the foreclosure sale, the property will be sold to the "highest and best bidder," so long as the bid is for a minimum amount specified by the court in its foreclosure judgment. Amounts in excess of the lien amount due will be remitted to the owner of the property, if requested by the owner. The purchaser will be granted a treasurer's deed conveying the property clear of all incumbrances, except for the following taxes and assessments not due at the time of the foreclosure sale: property taxes, certain drainage or diking assessments, and irrigation assessments. In addition, before receiving title, the purchaser will have to pay any of the above taxes or assessments that are due at the time of sale. If the property is not sold, then title to the property will vest automatically in the irrigation district.

Irrigation districts and county treasurers are authorized to use the interlocal cooperation act as a means of providing for the combined foreclosure of delinquent property taxes and irrigation district assessments.

Votes on Final Passage:

House	95	0	
Senate	42	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 9, 1988

HB 1300

C 9 L 88

By Representatives Basich, Sayan and Bumgarner; by request of Department of Fisheries

Relating to charter boat licenses.

House Committee on Natural Resources
Senate Committee on Environment & Natural Resources

Background: In recent years there has been a substantial increase in the number of people fishing for sturgeon on the Columbia River. This renewed interest has led to an increase in the number of charter boats offering trips to fish for sturgeon.

In mid-1987 the Department of Fisheries cited two charter boat operators for fishing for sturgeon without a charter boat license on the Columbia River below the Longview Bridge. The citations were challenged in court, and it was found that the current statute requires a charter boat license when catching salmon on the Columbia River below the Longview Bridge and on Lake Washington, but not when catching other types of food fish, including sturgeon.

Summary: In addition to the current requirement that charter vessels obtain a license when fishing for salmon on Lake Washington and on the Columbia River downstream from the Longview Bridge, a license is required for charter boats that catch other types of food fish from these two bodies of water.

Votes on Final Passage:

House 98 0
Senate 47 0

Effective: June 9, 1988

SHB 1302

C 146 L 88

By Committee on Judiciary (originally sponsored by Representatives Kremen, Patrick, Fisher, Rayburn, Lux, Cooper, Basich, K. Wilson, Lewis, Cole, Holm, Haugen, Brekke, Barnes, Holland, Nealey, Sutherland, Sprengle, Cantwell, Walker, Betzoff, Meyers, Hargrove, Baugher, Rasmussen, Silver, Fuhrman, Spanel, Fox, Jones, Peery, Ebersole, Dellwo, Heavey, Leonard, Zellinsky, Day, Vekich, Crane, Moyer, Butterfield, D. Sommers, Braddock, Pruitt, Brough, Todd, Ballard, O'Brien, Winsley, Hine, May, Hankins, Miller, Schoon, Doty, Ferguson and P. King)

Establishing penalties for sexual offenses against developmentally disabled persons.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: "Developmentally disabled" persons are those who suffer from mental retardation, or a similar condition, that began before the age of 18, that is expected to continue indefinitely and that constitutes a "substantial handicap."

Current sex offense laws make it unlawful to have sexual intercourse or sexual contact with a person who is incapable of consent because of being "mentally defective," or "mentally incapacitated." The term "mental incapacity" is defined to mean an inability to understand the "nature or consequences of the act of sexual intercourse." The term "consent" is defined to mean "actual words or conduct indicating freely given agreement."

A recent court decision held that current prostitution laws do not apply to patrons of prostitutes.

Summary: It is unlawful for a person in a "supervisory position" to engage in sexual intercourse or sexual contact with a developmentally disabled person. An exception is provided for spouses of developmentally disabled persons. The crime involving intercourse is Second Degree Rape, and the crime involving contact is Indecent Liberties. Persons in supervisory positions include proprietors and employees of any treatment or care facility for developmentally disabled persons.

The misdemeanor crime of patronizing a prostitute is created.

Votes on Final Passage:

House 96 0
Senate 48 0 (Senate amended)
House (House refused to concur)

Free Conference Committee

Senate 46 0
House 97 0

Effective: July 1, 1988
March 21, 1988 (Section 4)

HB 1304

C 54 L 88

By Representatives Kremen, Rayburn, Vekich, Grimm, Braddock and Walk

Providing for marketing agreements to allow members to participate in regulatory proceedings.

House Committee on Agriculture & Rural Development

Senate Committee on Agriculture

Background: The 1955 and 1961 Agricultural Enabling Acts permit producers of an agricultural commodity to establish a marketing agreement or marketing order for the commodity. The marketing agreement or order creates a commodity board or commission and establishes a commodity assessment, the revenues from which are used to administer the agreement or order. Among the activities that may be funded by such assessments are promotional programs and research concerning the production, processing or distribution of the commodity.

Summary: A marketing agreement or order created under the 1955 or 1961 Agricultural Enabling Act may permit the members of a commodity board or commission, or their designees, to participate in federal or state proceedings concerning the regulation of a pesticide or other agricultural chemical. The agreement or order may authorize the use of the funds of the board or commission for this purpose.

Votes on Final Passage:

House	95	0
Senate	46	0

Effective: June 9, 1988

HB 1306

C 2 L 88

By Representatives Peery, Betrozoff, Cole, Schoon, Pruitt, Wang, Holland, Silver, Cooper, Fisher, Meyers, Day, Taylor, Grimm, Rasmussen, Basich, Walker, Todd, Dellwo, Winsley, May, Doty, Spanel, Amondson, McLean, D. Sommers, Moyer, Ferguson and P. King

Specifying the disciplinary authority and protecting classified school employees.

House Committee on Education

Senate Committee on Education

Background: Washington law prohibits interference by force or violence and intimidation by threat of force or violence of an administrator, teacher or student when peacefully discharging his or her duties or studies. Violation of this law is a gross misdemeanor.

Performance of disciplinary duties by an administrator or teacher is not an act of interference or intimidation. However, this protection does not extend to classified school employees having disciplinary authority.

Summary: The prohibition against interfering by force or violence with administrators, teachers and students in the performance of their duties or studies or intimidating these persons by threat of force or violence is extended to classified school employees.

Classified school employees who are performing disciplinary duties authorized by their employer are not engaged in an act of interference or intimidation.

Votes on Final Passage:

House	98	0
Senate	44	0

Effective: June 9, 1988

SHB 1312**PARTIAL VETO**

C 289 L 88

By Committee on Ways & Means (originally sponsored by Representatives Locke, Holland and Grimm; by request of Office of Financial Management)

Adopting the supplemental operating budget.

House Committee on Ways & Means

Senate Committee on Ways & Means

Background: See Budget section.

Summary: See Budget section.

Votes on Final Passage:

House	66	29
Senate	25	24 (Senate amended)
House		(House refused to concur)

Free Conference Committee

Senate	45	4
House	96	1

Effective: March 26, 1988

Partial Veto Summary: Vetoed from the Department of Fisheries' general fund appropriation is an allocation of \$125,000 for a salmon and steelhead rehabilitation plan for the Stillaguamish River. Vetoed from a subsection allocating \$300,000 to the State Patrol for a major crimes investigation and assistance program are the words "to establish a separate unit." This veto eliminates a requirement that the patrol create "a separate unit" to implement the program. (See VETO MESSAGE)

SHB 1317

C 168 L 88

By Committee on Local Government (originally sponsored by Representatives Zellinsky, Ferguson, Dellwo, Cooper, Haugen, Winsley, Spanel, Bumgarner and Holm)

Revising requirements for publishing notices of actions of cities, towns, and counties.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: A city or town is required to publish the text of any ordinance in its official newspaper promptly after adoption of the ordinance.

In lieu of these publishing requirements, a city or town with a population of 3,000 or less may publish a summary of the intent and content of an adopted ordinance in its official newspaper.

A county is required to publish the text of a proposed ordinance in the notice of a public hearing on the proposed ordinance that is published in the official newspaper of the county. However, if a code is adopted by reference a county merely can publish the full official title and a description of the general purpose of the proposed ordinance.

In lieu of these publishing requirements, a city or town may publish a summary of an adopted ordinance in its official newspaper, including: the name of the local government, the identification number of the ordinance, a descriptive title, a section-by-section summary, other information necessary to provide a complete summary, and a statement that the full text will be mailed upon request. In lieu of these publishing requirements a county can publish a summary of a proposed ordinance that includes these six specific elements.

A second class city, third class city or town that is seeking bids on public works projects must publish notice in the city's or town's official newspaper.

Certain notices concerning land use proposals are required to be published by the county, city or town considering the proposal.

Summary: Cities and towns are permitted to publish summaries of the content of adopted ordinances in their official newspapers in lieu of publishing the text of the adopted ordinances. Cities and towns must adopt procedures to provide notice of their upcoming hearings.

Counties are allowed to publish summaries of the content of proposed ordinances in lieu of publishing the entire text of proposed ordinances.

An inadvertent mistake in publishing the text or summary of an ordinance, or proposed ordinance, shall not render the ordinance invalid.

Language is deleted that provides an alternative method of publishing summaries of ordinances adopted cities and towns with populations under 3,000.

The notice by a second class city, third class city or town that is published soliciting the submission of bids on proposed public works projects may be published in a newspaper of general circulation most likely to bring responsive bids, instead of the official newspaper of the city or town.

Any notice required to be published concerning planning or zoning regulations, or proposed subdivisions, may identify the affected property without using a legal description. The affected property may be identified by an address, written description, vicinity map or other reasonable means.

Votes on Final Passage:

House	98	0	
Senate	45	4	(Senate amended)
House	94	0	(House concurred)

Effective: June 9, 1988

HB 1318

C 1 L 88

By Representatives Holm, Betrozoff, Peery, Walker, Spanel, Pruitt and Unsoeld; by request of Governor Gardner

Extending the time period for applications for the schools for the twenty-first century pilot project.

House Committee on Education
Senate Committee on Education

Background: In the 1987 session, the Legislature passed enabling legislation for the Schools for the Twenty-First Century Pilot Program. Rules governing the application procedure for this project were adopted at the December, 1987, meeting of the State Board of Education. By law, all applications must be received no later than March 31, 1988. As a result, districts have only three months to develop their proposals.

Summary: The date for receipt of applications for the Schools for the Twenty-First Century Pilot Program is changed from March 31, 1988, to May 31, 1988.

Votes on Final Passage:

House	94	0	
Senate	42	3	

Effective: March 8, 1988

SHB 1319

C 236 L 88

By Committee on Commerce & Labor (originally sponsored by Representatives Walker, Wang, Patrick, Brough, Winsley, Miller, Prince, Holland, R. King, Belcher, Fisher and Locke; by request of Select Committee on Employment and the Family)

Establishing minimum standards for leave for family care.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: Current law addresses leave from employment in a limited way. A Human Rights Commission rule requires employers with eight or more employees to grant women a leave of absence for the period of disability related to pregnancy and childbirth. Otherwise, employee leave issues are generally governed by personnel policies or collective bargaining agreements.

The growth in two wage-earner families, single parent families and working women, among other factors, has prompted an examination of leave policies to better accommodate employees. In 1987 the House of Representatives passed a bill that provided for 16 weeks of parental and family leave to care for a newborn or adoptive child or an ill family member. The bill died in the Senate and the Legislature established a Select Committee on Employment and the Family to study parental and family leave and related issues. The Select Committee met throughout the interim and recommended legislation be adopted.

Summary: In recognition of the changing nature of the workforce, the Legislature establishes a minimum standard for family care. Nothing in the act prohibits employers from adopting more generous family care standards.

All employers must allow an employee to use accrued sick leave to care for the employee's child under the age of 18 with a health condition that requires treatment or supervision.

Employers must display a poster provided by the Department of Labor and Industries that describes an employer's obligations and an employee's rights under the act and includes notice about the state maternity disability leave requirements. The poster is to include a telephone number and address of the department for employees to obtain additional information. An employer must also post its leave policies, if any.

The department will administer the provisions. The department may issue a notice of infraction if the

department reasonably believes an employer has violated the provisions, and may impose a civil penalty up to \$200 for each violation, or up to \$1000 if the employer has repeatedly violated the provisions.

The department is required to notify all employers of the requirements. The act is not to be constructed to reduce any provision in a collective bargaining agreement.

Votes on Final Passage:

House	89	6	
Senate	48	0	(Senate amended)
House	93	1	(House concurred)

Effective: September 1, 1988

SHB 1320

C 249 L 88

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Lux, Chandler, Nutley, Betrozoff, Peery and Meyers; by request of Office of Insurance Commissioner)

Revising provisions on the cancellation and renewal of insurance policies.

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

Background: In 1986 the Legislature substantially amended the statutes governing cancellation and non-renewal of property and casualty insurance policies. The law generally requires 45 days notice to the insured and to the insured's representative prior to cancellation of a policy. An insurer may give 10 days notice if the policy is being cancelled for nonpayment of premium and may give five days notice if the policy is being cancelled in accordance with the anti-arson statute. Similarly, if the insurance company has issued a binder, a temporary contract of insurance until the application for insurance is accepted or denied, the company must give 45 days notice prior to cancellation.

If a policy covers property that is mortgaged, pledged or subject to an interest other than the named insured the insurer must send notice of cancellation to the mortgagee, pledgee or other interested person not less than 45 days prior to cancellation. No exception is made for cancellation based upon nonpayment of premium or for cancellation based upon the anti-arson statute.

An insurance company must renew a policy unless the insurer provides notice that the insurer does not

intend to renew the policy at least 45 days prior to the expiration date of the policy; the insurer has provided notice at least 20 days prior to the policy expiration date that the policy will be renewed and the insured does not pay the renewal premium; or the insured's agent has obtained other coverage acceptable to the insured prior to the expiration date of the policy.

Finally, the insurer must renew the policy based upon the old rates and contract terms unless the insurer gives the policyholder 20 days advance notice of proposed changes in rates or terms.

Summary: If an insurer is providing insurance coverage under a binder agreement that contains a clearly stated expiration date, the insurer need not provide 45 days notice of cancellation to the insured; the coverage ends on the expiration date stated in the binder agreement.

A copy of notice of cancellation, nonrenewal or renewal must be sent to the insured's agent or broker. The same notice of cancellation and nonrenewal must be given to mortgagees and pledgees as is given to the insured. The insurer may send notice of renewal directly to the insured or through the insurer's agent.

An insurer who is required to renew a policy at the old rate and terms because the insurer failed to provide adequate notice of proposed changes in rates or terms may change the rates and/or terms once during the new policy period after the insurer provides 20 days advance notice of the proposed changes.

Votes on Final Passage:

House	95	0	
Senate	44	0	(Senate amended)
House	93	0	(House concurred)

Effective: September 1, 1988

HB 1325

C 220 L 88

By Representatives Rust, Walker, Unsoeld, Schoon and Winsley; by request of Department of Ecology

Changing provisions relating to the state water pollution control agency's authority.

House Committee on Environmental Affairs
Senate Committee on Environment & Natural Resources

Background: In 1983 the Department of Ecology was given authority to administer portions of the federal Clean Water Act. Congress amended the Clean Water Act in 1987. The amendments included the enactment of a Nonpoint Pollution Grant Program and the

National Estuary Program. The Department of Ecology does not have specific authority to administer the programs affected by the 1987 amendments.

Summary: The Department of Ecology is given authority to participate in programs authorized by the federal Clean Water Act as it was amended on February 4, 1987, including the Nonpoint Pollution Grant Program and the National Estuary Program. In implementing the National Estuary Program, the Department of Ecology is directed to participate jointly with the Puget Sound Water Quality Authority.

By January 1, 1989 the Department of Social and Health Services must propose standards for the repair of existing, failing on-site sewage disposal systems at single-family residences adjacent to marine waters. Design, operation and maintenance standards may be specified. Discharges into marine water may occur only if on-site sewage disposal systems are not feasible and state water quality standards are met. The State Board of Health must adopt the department's standards unless modification or rejection is necessary to protect public health.

Votes on Final Passage:

House	93	0	
Senate	45	1	(Senate amended)
House	97	1	(House concurred)

Effective: June 9, 1988

SHB 1329

C 192 L 88

By Committee on Judiciary (originally sponsored by Representatives Crane, Brough, Sutherland, Lewis, Heavey, Padden, Nutley, Peery and Hargrove)

Changing provisions relating to the homestead exemption.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The use of real property may be restricted, or certain obligations associated with ownership of the property may arise, through legal agreements. These agreements, commonly called covenants, conditions, and restrictions, are often permanent and are passed from owner to owner when the property is conveyed or transferred.

A condominium or homeowner association may be created or operated based on a covenant that permanently runs with the real property. The association often manages and maintains areas that the individual

real property owners own in common, or provide other services to all the owners. Examples of common areas include hallways in condominiums and swimming pools or clubhouses in planned subdivisions.

Generally the individual property owners elect persons to govern the condominium or homeowner association, and the owners vote on other major matters such as the budget. Typically an association has the power to assess and collect dues to carry out its duties, and unpaid dues constitute a lien on the real property of the individual owners.

A homestead exemption protects certain property from seizure by creditors. The state constitution mandates that the legislature protect a certain portion of the homestead. It applies to property used as a primary residence.

The legislature has excluded some liens from homestead protection. These excluded liens include: mechanic's and materialmen's liens; mortgages or deeds of trust; certain debts arising out of a bankruptcy filed by one spouse within six months of the other spouse's bankruptcy; and child support debts.

A Court of Appeals has held that the lien for unpaid homeowner assessments is subject to the homestead protection.

Summary: A lien for unpaid condominium or homeowner association assessments is excluded from the homestead protection.

Notice that nonpayment of the association fees may result in foreclosure on the real property must be given by the association to each new owner when the association learns of a new owner. The notice must also state that the homestead protection does not apply. An association does not have a duty to seek out and find new owners.

Votes on Final Passage:

House	95	0
Senate	47	1

Effective: June 9, 1988

HB 1330

C 110 L 88

By Representatives R. King, Patrick, Walker, Wang, Sayan, Cole and Jones

Changing references to employee classes for collective bargaining purposes.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: House Bill 498, enacted in 1987, was partially vetoed by the governor. The veto included changes in the definition of uniformed personnel. As a result of the veto a reference to the definition section in the uniformed personnel arbitration law is ambiguous. In addition, the numbering of the definition subsections was changed in 1987, which resulted in incorrect references to definitions.

Summary: References to the definition of "uniformed personnel" for the purpose of uniformed personnel interest arbitration are corrected to reflect the 1987 renumbering of the definition sections. An ambiguous reference in the interest arbitration panel's authority is clarified by specifying that the reference is to the advanced life support technicians.

Votes on Final Passage:

House	93	0
Senate	48	0

Effective: June 9, 1988

HB 1332

C 102 L 88

By Representatives Silver and H. Sommers

Removing requirement that state bond certificates be printed by the public printer.

House Committee on State Government
Senate Committee on Governmental Operations

Background: In 1987 the Legislative Budget Committee (LBC) completed a debt issuance study dealing with general obligation bonds issued by the State Finance Committee. One purpose of the study was to reduce the cost of capital projects by reducing debt issuance costs and to improve bond issuance operations. As part of a series of recommendations the LBC suggested that the State Finance Committee be authorized to arrange for the printing of bond certificates without using or involving the Department of Printing.

The printing of bond certificates is a highly specialized and tightly controlled process. A limited number of bank note companies in the United States engrave and distribute bond certificates according to industry standards. The Department of Printing does not print bond certificates. The staff in the State Treasurer's office who provide support services to the State Finance Committee serve as the primary contact point with bond certificate printers throughout the bidding, contracting and printing process.

Under state law the Department of Printing is responsible for printing state documents. In regard to

bond certificates the State Treasurer's office deals directly with bond certificate printers. However, the Department of Printing takes the position that it must complete the necessary paperwork in order to meet its responsibility under state law. When dealing with the necessary paperwork the department charges the State Treasurer state sales tax plus an additional departmental service charge of 5 percent, thus increasing bond certificate printing costs.

Summary: The printing of state bond certificates or bond offering disclosure documents is exempted from the law that requires that printing of state documents be done by the public printer.

Votes on Final Passage:

House	95	0	
Senate	43	0	(Senate amended)
House	93	0	(House concurred)

Effective: June 9, 1988

SHB 1333

C 145 L 88

By Committee on Judiciary (originally sponsored by Representatives Locke, Brough, Dellwo, Walker, Heavey, Belcher, Todd and P. King)

Revising sexual offenses.

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

Background: The criminal code defines a number of crimes relating to sexual activity. These crimes involve either sexual intercourse (rape or statutory rape), or sexual contact short of intercourse (indecent liberties). Some of these crimes relate solely to victims under a certain age; others apply to victims of any age. Generally, those crimes that apply to victims of any age require some element of forcible compulsion against the victim. Indecent liberties and lesser degrees of forcible rape may also occur when the victim is either unable to consent or clearly expresses a lack of consent. Those crimes that apply only to victims of a certain age do not require the use of forcible compulsion.

The forcible rape of a 10 year old victim or a 30 year old victim is the same crime. An offender in either case is subject to the same presumptive and maximum sentences. However, it is possible that the rape of the 10 year old would result in a longer sentence because the age of the victim can be an aggravating condition allowing for an exceptional sentence above the presumptive range. The same sentencing

principles apply to the crime of forcible indecent liberties.

Sexual intercourse or contact without forcible compulsion and with consent may be a crime when it occurs with a victim of a certain age. These offenses include three degrees of statutory rape and portions of the crime of indecent liberties. In some instances with respect to these crimes the age of the offender may also be an element of the crime.

All of the current sex offenses involving child victims are ranked on the felony sentencing grid of the Sentencing Reform Act (SRA). These rankings determine the presumptive sentence that is likely to be given an offender, but the maximum sentence is determined by the classification of the crime. Rankings are expressed as "levels" in the SRA, with the higher levels indicating longer sentences. For example, the presumptive sentence range for a first-time offender who commits a level X offense is between 51 and 68 months in prison, and for a first-time offender who commits a level III offense, it is between one and three months. Crimes are classified either as felonies ("A", "B" or "C"), which are covered by the SRA, or as misdemeanors or gross misdemeanors, which are not. The maximum imprisonment for a class A felony is life; for a class B felony, 10 years; for a class C felony, five years; for a gross misdemeanor 1 year; and for a misdemeanor, 90 days.

Statutory rape in the first degree is a class A, level IX felony involving a victim under 11 and an offender over 13. Statutory rape in the second degree is a class B, level VII felony involving victims who are 11, 12 or 13, and an offender over 16. Statutory rape in the third degree is a class C, level III felony involving a victim who is 14 or 15, and an offender who is over 18.

Indecent liberties without forcible compulsion is a class B, level VI offense. It may be committed by an offender of any age against a victim under age 14. It may also be committed against a victim under 16 if the offender is at least 48 months older than the victim and in a "position of authority" with respect to the victim. Persons in positions of authority include parents and those acting as parents and anyone with a responsibility for the health, welfare or education of the victim.

It is a defense to a sex offense based on the victim's age that, because of statements by the victim, the defendant reasonably believed the victim was "older."

Summary: The crimes of statutory rape are renamed, moved up one level in the SRA's sentencing grid and modified with respect to the ages of victims and offenders. In addition, a new crime is created involving sexual intercourse with minors not previously covered by

the statutory rape laws. The crimes of indecent liberties with a child under age 14 and with a child under age 16 are replaced by three degrees of the crime of "child molestation." In addition a new crime involving sexual contact with a minor is created.

Statutory rape is renamed "rape of a child." First degree is a class A, level X felony involving a victim under 12 and an offender at least 24 months older than the victim. Second degree is a class B, level VIII felony involving a victim who is 12 or 13 and an offender at least 36 months older than the victim. Third degree is a class C, level IV felony involving a victim who is 14 or 15 and an offender at least 48 months older than the victim.

The new crime of sexual misconduct with a minor in the first degree is also created. It is a class C, level III felony involving sexual intercourse with a victim who is 16 or 17 and an offender who is at least 60 months older than the victim, and who abuses a supervisory position while in a "significant relationship" with the victim. Persons in significant relationships include anyone who undertakes to provide education, health, welfare or organized recreation for minors. "Abuse" of a supervisory position means a direct or indirect threat or promise to use authority to the detriment or benefit of the minor.

Three degrees of child molestation are created. First degree is a class B, level VII felony involving a victim under 12 and an offender at least 36 months older than the victim. Second degree is a class B, level VI felony involving a victim who is 12 or 13 and an offender who is at least 36 months older than the victim. Third degree is a class C, level III felony involving a victim who is 14 or 15 and an offender who is at least 48 months older than the victim.

The new crime of sexual misconduct with a minor in the second degree is also created. It is a gross misdemeanor. Its elements are identical in all respects to the first degree crime except that it involves sexual contact instead of sexual intercourse.

The "mistaken age" defense to sex offenses is amended to reflect the particular victim and offender age requirements of each sex offense.

Votes on Final Passage:

House	97	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)
House			(House refused to concur)
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 1, 1988

SHB 1336

C 68 L 88

By Committee on Ways & Means/Revenue (originally sponsored by Representatives Ballard, Grimm, Rayburn, McLean, Ferguson, Lewis, Silver, Amondson, Kremen, Betrozoff, Bristow, Rasmussen, Doty, Baugher, Fuhrman and Smith)

Revising sales and use tax provisions on the packing of horticultural products.

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

Background: Materials and supplies that are used in manufacturing and processing and not resold are subject to sales and use taxes. Applying these taxes to materials used in packing fresh horticultural products by agents or contractors has caused confusion for many years.

Summary: Materials and supplies directly used in packing, receiving, washing or sorting fresh horticultural products are exempt from sales and use taxes.

Votes on Final Passage:

House	73	24
Senate	46	0

Effective: June 9, 1988

SHB 1339

C 62 L 88

By Committee on Judiciary (originally sponsored by Representatives H. Sommers, Armstrong, Baugher, Padden, Silver, Lewis, Sanders, Kremen, Braddock, Heavey, Zellinsky, Betrozoff, Peery, Bristow, Cranc, Holm and K. Wilson)

Increasing penalties for the illegal transfer of food stamps.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The current law in Washington is that any person who resells food stamps or food purchased with food stamps, and any person who knowingly purchases such resold stamps or food, is guilty of a crime. The crime is a gross misdemeanor if the face value of the transferred stamps or food is \$100 or more. The maximum punishment for a gross misdemeanor is imprisonment for one year and a fine of \$5,000.

The crime is a misdemeanor if the face value of the transferred stamps or food is less than \$100. The

SHB 1339

maximum punishment for a misdemeanor is imprisonment for 90 days and a fine of \$1,000.

Summary: A person who sells legally obtained food stamps, or food purchased with legally obtained food stamps, is guilty of a gross misdemeanor if the face value of the food stamps or food is \$100 or more. If the face value of the food stamps or food is less than \$100 the crime is classified as a misdemeanor.

The punishment is greater for persons who traffic in food stamps. Those who purchase, or who otherwise acquire and sell, food stamps that were issued to another person are guilty of a class C felony if the face value of the transferred stamps is \$100 or more. The maximum punishment for a class C felony is imprisonment for five years and a fine of \$10,000. For a first time offender the sentencing guidelines provide for a presumptive sentence of zero to 60 days. A person who presents food stamps for redemption knowing they have been received, transferred, or used in any manner in violation of federal law is also guilty of a class C felony.

If the face value of the food stamps is less than \$100 the crime of purchasing or trafficking in food stamps issued to another person is a gross misdemeanor.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: June 9, 1988

SHB 1340

C 177 L 88

By Committee on Environmental Affairs (originally sponsored by Representatives Rust, Walker, Valle, Ferguson, Unsoeld, Brekke, Sprenkle, Holland, P. King, May, Pruitt, Lux, Spanel and Todd)

Creating an office of waste reduction.

House Committee on Environmental Affairs
Senate Committee on Environment & Natural Resources

Background: The state's top waste management priority for both solid and hazardous waste is waste reduction. Reducing the amount of waste generated results in both reduction of the need for clean-ups and in savings of disposal costs to businesses and governmental entities that generate waste. Waste reduction also prevents further degradation of the environment and avoids multi-media pollution, whereby one type of

pollution (i.e., solid waste) is reduced by increasing another type of pollution (i.e., air).

Over the past five years, at least 10 states have implemented some type of waste reduction program. These programs include such elements as education, technical assistance, excellence awards and research grants.

In October of 1987 the Washington Legislature enacted the state Hazardous Waste Cleanup (Superfund) law. Superfund directs the Department of Ecology (Ecology) to contract out to a nonprofit organization the responsibility for establishing a Pollution Prevention Pays Program, which will provide technical assistance to businesses that generate hazardous waste. In addition to this program, Ecology provides other types of technical assistance relating to solid waste and hazardous waste.

Summary: There is established in the Department of Ecology an Office of Waste Reduction to encourage voluntary waste reduction by waste generators. The office shall be the coordinating center for all state agency programs that provide technical assistance to waste generators.

To encourage voluntary waste reduction, the office shall: provide advice and consultation; sponsor technical workshops and seminars; administer a data base and hotline referral service; administer a research and development program; coordinate a public education program; recommend higher education courses and curricula; and require energy and incineration facilities to retain records.

Votes on Final Passage:

House	93	0
Senate	48	0 (Senate amended)
House	91	3 (House concurred)

Effective: June 9, 1988

HB 1341

C 181 L 88

By Representatives Sanders, Fisher, Miller, Amondson and May

Revising procedures for write-in voting.

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

Background: State law authorizes a voter to vote for any person for an office by writing in the name of the person on the ballot. A number of restrictions apply to such write-in voting for partisan offices. Among them are: in general, a write-in vote is invalid unless the

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C 209 L 88

political party affiliation of the candidate is indicated; and in partisan elections, a write-in candidate's votes are counted only if they constitute the greatest number cast for all candidates with the same party designation as the write-in candidate.

If a person is nominated at a primary as a write-in candidate but has not previously paid the filing fee, the person's name cannot be printed on the general election ballot unless the person pays the filing fee and executes a declaration of candidacy. In lieu of paying a filing fee, a person filing a declaration of candidacy may indicate that he or she is without sufficient assets or income to pay the fee and attach a nominating petition.

Summary: A person who desires to be a write-in candidate may file a declaration of candidacy not later than the day before the primary or election. The declaration of candidacy is similar to that otherwise required by law. The person may not file if the person filed as a candidate (write-in or otherwise) for the same office at the preceding primary, or if the person is already a candidate (write-in or otherwise) for another office at that primary or election unless one of the two offices sought is that of precinct committee person.

Write-in votes cast for persons who file such declarations and write-in votes for any person appointed by a political party to fill a ballot vacancy must be counted. A write-in vote for any other person must identify the office for which the vote is cast and the position number or political party, as applicable. No such write-in vote is valid if it is cast for a person who filed for the same office at the preceding primary.

The Secretary of State must notify each county auditor of the declarations filed with the Secretary for offices appearing on the ballot in that county. The county auditor must ensure that the persons who count ballots are notified of all valid write-in candidates before the tabulation of those ballots. No person who has filed a declaration as a write-in candidate may be included in a state voter's pamphlet.

Votes on Final Passage:

House	97	0	
Senate	48	1	(Senate amended)
House	94	0	(House concurred)

Effective: June 9, 1988

By Representatives Meyers, Sutherland, S. Wilson, Belcher, R. King, Amondson, Cantwell, P. King, Grimm, Holland, Lewis, J. Williams, Sanders, Zellinsky, Smith, Cooper and K. Wilson

Providing reduced rental fees for lease of communication sites on state lands.

House Committee on Natural Resources
Senate Committee on Environment & Natural Resources

Background: Amateur and commercial radio operators lease space for their equipment on 10 sites managed by the Department of Natural Resources. Fees for the use of the sites for commercial users range from \$733 to \$1,014 per year; for amateur radio operators the fees run from \$227 to \$314 per year. These reduced fees available to amateur operators only apply if space is available in the Department of Natural Resources' facility.

Amateur radio operators provide services for search and rescue operations, forest fire information and disaster relief support. Washington has approximately 12,600 amateur radio operators. This number is increasing at about two and one-half percent per year. Washington ranks 10th in the United States in the number of amateur radio operators.

Many amateur radio operators feel that the existing fees are too high and that higher fees may be assessed in the future. The annual rental cost prohibits some operators and operator clubs from using facilities. These operators and clubs maintain that they could benefit the state through their support to law enforcement and search and rescue operations. Lower fees would improve the amateurs' ability to build additional repeaters, facilitating emergency communication.

Summary: The Legislature finds that the amateur radio operators of the state provide valuable services. In recognition of the emergency services provided, the lease rate charged by the Department of Natural Resources to amateur radio operators will be reduced from the rate previously charged.

For each amateur radio lease available for public service communication, the department will determine the market lease rate. For repeater units placed on the site by amateur radio operators, the department will charge as follows: for the first unit, 50 percent of the department set market rate for amateur radio lessees; for subsequent repeater units placed at the same facility by an amateur radio lessee, the rate shall be 25

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percent of the market rent for amateur lessees. The General Fund will pay to the Department of Natural Resources the difference between the market rate for amateur radio leases and the rate actually charged to amateur radio lessees.

Radio frequencies will be allocated to amateur users by the amateur radio regulatory body approved by the Federal Communication Commission. The department will develop guidelines to determine which amateur radio groups will be eligible to receive the reduced lease rate.

Votes on Final Passage:

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

Effective: June 9, 1988

HB 1354

C 216 L 88

By Representatives Pruitt, Sanders, Meyers, Dorn, Rasmussen, Lewis, Anderson, Basich, Heavey, Zellinsky and Cooper

Repealing the sunset of the department of veterans affairs.

House Committee on State Government
Senate Committee on Governmental Operations

Background: The Department of Veterans Affairs was created in 1976 when its functions and duties were transferred from the Department of Social and Health Services. As of January, 1988 the department employed 428 full time employees. Its 1987-89 operating budget is nearly \$29 million, two-thirds of which is from the state general fund. The Director of Veterans Affairs is advised and assisted by the 15-member Veterans Affairs Advisory Committee.

There are three primary programs carried out by the department. The largest is the operation and maintenance of the two state veteran's homes in Retsil and Orting, capable of serving nearly 600 veterans or their dependents. The department's Field Services program advises and assists veterans in receiving their full benefits and entitlements and secures readjustment counseling for veterans and their families. Finally, the Guardianship program administers benefits for recipients incapable of acting on their own behalf.

The Legislative Budget Committee in its 1987 Sunset review report concluded that the need for most departmental services will increase and recommended reestablishment of the department and the Advisory Committee.

Summary: The sections of statute that provide for the June 30, 1988 termination of the Department of Veterans Affairs and the Veterans Affairs Advisory Council are repealed.

In addition, a study is to be done of the long term care needs of indigent veterans. The study is to be conducted by the Department of Veterans Affairs, the Veterans Affairs Advisory Committee, a committee of persons familiar with the issues who are appointed by the department, the Department of Social and Health Services and the Office of Financial Management.

A report is to be submitted to the House State Government Committee, the Senate Governmental Operations Committee and the Ways and Means Committees of the House and Senate no later than November 1, 1988.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: March 23, 1988

HB 1361

C 77 L 88

By Representatives Holm, Belcher, Unsoeld, Basich and Rasmussen

Creating a twenty-fourth community college district.

House Committee on Higher Education
Senate Committee on Higher Education

Background: In 1967 the legislature combined 26 junior colleges and vocational-technical institutes into the community college system. The system was comprised of 22 districts, including District 12 encompassing Lewis and Thurston counties. At the time of the act District 12 contained only Centralia Community College. In 1970 the Olympia School Board agreed to transfer responsibility for Olympia Vocational Technical Institute (OVTI) to the district.

A bill to divide District 12 into two separate districts was introduced in 1979, and was complemented by efforts to allow OVTI to offer academic courses. The ability to offer those courses was provided, but the bill to divide the district failed.

A bill to divide District 12 into two separate districts was reintroduced in 1985. The bill did not pass, but a Senate Resolution was adopted that asked the State Board for Community College Education to study and report on the proposed division. That report recommended that the Legislature divide District 12

into two separate districts for each of its member colleges, effective July 1, 1986. A similar recommendation was adopted by majority vote of the District 12 Board of Trustees.

Another bill to split the districts was introduced in 1986. Although the bill failed, the District 12 board of trustees decentralized the two colleges' administrations in 1986. The colleges have operated as separate units for almost two years. In 1987 a Centralia College task force once again recommended splitting the districts.

Summary: A new community college district, District 24, is created on July 1, 1988. The district will include all of Thurston County except the Rochester and Tenino school districts and the Thurston County portion of the Centralia School District. District 12 will include Lewis County and those portions of Thurston County not included in District 24.

The District 12 governing board shall prepare a plan to accomplish the division of the district and to provide for the distribution of personnel and assets. The plan must permit the two districts to continue recruiting students in both districts for three years. By May 1, 1988 the district must submit the plan for approval to the State Board for Community College Education (SBCCE). The SBCCE is directed to adjudicate all contested matters before June 30, 1988.

Campus employees of both Centralia and South Puget Sound Community Colleges will continue to perform their usual duties without any loss of rights. All employees of South Puget Sound Community College (SPSCC) are assigned to District 24. The trustees of District 12 will determine the assignment of District 12 employees who are not considered campus employees. The SBCCE will determine proper assignments of these employees if questions arise.

All real, personal and tangible property, funds, credits and assets of SPSCC are transferred to District 24, along with any appropriations made to SPSCC. Questions about the transfer of funds and property will be determined by the SBCCE.

Trustees of District 12 residing in District 24 are transferred to positions on District 24's board. These trustees will serve until they complete their existing terms of office. Additional trustees as needed will be appointed to the boards of Districts 12 and 24. All rules and pending business before SPSCC are continued, along with existing contracts and obligations.

The SBCCE will certify any apportionment of budgeted funds required by the transfer. State agencies overseeing those funds are directed to adjust their records and accounts in accordance with the certification.

SPSCC is transferred to District 24 on July 1, 1988. The District 12 board of trustees will coordinate decisions impacting the college with the director of the community college system. The SBCCE will take appropriate action to ensure the creation of the new district by July 1, 1988.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: July 1, 1988
March 16, 1988 (Section 2)

SHB 1362

C 63 L 88

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Nealey, Betzoff, Rasmussen and McLean)

Revising provisions on weights and measures.

House Committee on Agriculture & Rural Development

Senate Committee on Agriculture

Background: Butter and margarine must be offered for sale by weight and only in units of 1/4 pound, 1/2 pound, one pound or multiples of one pound.

Summary: The Director of Agriculture may allow the sale of butter specialty products in nonstandard units of weight if the purpose achieved by using these nonstandard units is decorative in nature and the products are clearly labeled as to weight and price per pound.

Votes on Final Passage:

House	95	0
Senate	46	0

Effective: June 9, 1988

SHB 1366

C 109 L 88

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Hine, Silver, H. Sommers, Walker, Dellwo, Patrick, McLean and Bristow)

Providing for judges retirement.

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

Background: Washington has two retirement systems for judges: the Judicial Retirement System (JRS) for

judges first elected or appointed after 1971, and the Judges Retirement Fund for judges elected or appointed prior to 1971. These systems cover only superior court judges and members of the Supreme Court and the Court of Appeals. All district court judges are members of the Public Employees Retirement System (PERS).

The Judicial Retirement System and the Judges Retirement Fund were designed to encourage judges to stay in service. In both, a judge may not withdraw his or her contributions upon separation from service but must stay in service for 12 or 18 years to receive a retirement allowance. The retirement allowance of a JRS retiree may also be reduced to offset income from post-retirement employment.

Retirement benefits under the JRS system are either 3 percent of the judge's final compensation if the judge had less than 15 years of service or 3.5 percent if the judge had 15 or more years of service, up to a maximum of 75 percent of the judge's final compensation. The benefit also includes an annual cost-of-living adjustment tied to the Consumer Price Index with a 3 percent maximum annual increase.

JRS provides a survivor benefit equal to 50 percent of the judge's retirement allowance (no actuarial reduction) but not less than 25 percent of the judge's final salary. However, this benefit is provided only to judges who have 10 or more years of service and when the surviving spouse has been married to the judge for at least two years. If the surviving spouse remarries the survivor benefits cease. If the surviving spouse is employed the benefits may be reduced by the amount earned.

Active members of JRS contribute 7.5 percent of their compensation; the remaining cost of the system is paid by the state. JRS has been funded on a pay-as-you-go basis and as of 1985 had an unfunded liability of almost \$40 million dollars. The 1985 JRS actuarial evaluation indicated that a state contribution rate of 41.30 percent of compensation would be needed to fund both the normal cost and the unfunded liability of the system.

In the Public Employees Retirement System (PERS I and II), and other state retirement systems, employee contributions may be withdrawn upon separation from service and members may receive a benefit after five years of service.

PERS allows the member, at the time of retirement, to choose an actuarially reduced allowance that continues through the lifetime of the member's spouse or other beneficiary. If a PERS member dies before being eligible for retirement the member's contributions are paid to the surviving spouse or other beneficiary.

Most members of PERS I contribute 6 percent of their compensation and receive a benefit based on 2 percent of their average final compensation (AFC); members who are state elected officials contribute 7.5 percent of their compensation and receive a benefit based on 3 percent of their AFC. Members of PERS II, Teacher's Retirement System II (TRS II), and Law Enforcement Officers and Firefighter's Retirement System II (LEOFF II) contribute one-half the cost of their retirement systems (currently requiring a member contribution of 4.90 percent in PERS II) and receive a benefit based on 2 percent of their AFC (5 year average).

At the time the JRS system was created the annual salary for a superior court judge was \$22,500; as of July 1, 1988, the salary will be \$74,500. The annual compensation for judges is now set by the Washington Citizen's Commission on Salaries for Elected Officials.

Members of PERS first elected or appointed as judges after 1984 have the option of joining JRS or staying in PERS; members who became judges prior to 1984 do not have the option of receiving credit in PERS for their years of service as a judge.

Summary: The Judicial Retirement System (JRS) is closed. Persons first elected or appointed to Superior Court, the State Supreme Court or the State Court of Appeals after the effective date of the act may become members of the Public Employees Retirement System (PERS).

Current JRS members may irrevocably choose to receive credit in PERS for their years of service as a judge. To exercise this option the member must file a written request with the Department of Retirement Systems by December 31, 1989. Former members of JRS may exercise the option within one year of re-entering service as a judge. The difference between the amount of member contributions made under JRS and the amount that would have been made under PERS is deposited in the member's Judicial Retirement Account (JRA). Members of PERS whose service in PERS was interrupted by service in JRS, who did not retire in JRS, and who are not active members of JRS as of the effective date of the bill, may receive credit in PERS for their service as a judge.

The Judicial Retirement Account plan is created with the following elements:

a) All judges of the State Supreme court, Court of Appeals and Superior Courts who are members of PERS for their service as a judge shall be members of the plan.

b) Each member shall contribute 2.5 percent of the member's monthly salary to the members Judicial Retirement Account (JRA); the state will match the

member's contribution. The member's gross income will be reduced, for federal income tax purposes only, by the amount of the member's contribution.

c) The Administrator for the Courts, under the direction of the Board for Judicial Administration, will invest the money contributed to the member accounts and will administer the plan. The cost of administering the plan is paid from the earnings on the member accounts.

d) A member who separates from judicial service for any reason will receive a lump sum distribution of all the contributions in the member's account, together with any earnings credited to the account.

Benefits provided under JRS are changed in four ways:

a) The restriction on post retirement earnings is repealed for both retirees and surviving spouses. However, a retiree shall not be eligible to receive an allowance if performing service (other than up to 90 days of pro tem service per year) for any nonfederal public employer in the state.

b) A judge is allowed to chose, prior to December 31, 1988, between the survivor benefits currently provided by JRS and a new set of survivor benefits patterned after those provided in PERS. The surviving spouse of the judge who chooses the new survivor benefits does not lose the benefits upon remarriage.

c) Survivor benefits under JRS are no longer terminated for spouses who remarry.

d) The surviving spouse of any judge who died in office after January 1, 1986, but before the effective date of the bill, is allowed to receive a refund of the judge's contributions.

Votes on Final Passage:

House	96	0	
Senate	40	8	(Senate amended)
House	93	0	(House concurred)

Effective: July 1, 1988

SHB 1368

C 231 L 88

By Committee on Judiciary (originally sponsored by Representative Armstrong)

Revising provisions on enforcement of judgments.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The 1987 Legislature enacted a major revision of the law relating to the enforcement of judgments. For the most part, the changes removed obsolete language or clarified the relationship of the

various methods of enforcing judgments with one another. A number of additional issues requiring resolution have been uncovered since that measure's enactment. The following are some of the features of the law as amended in 1987.

If a plaintiff who has had a writ of attachment issued for personal property receives notice that the defendant has filed for bankruptcy, the plaintiff must notify the sheriff. If the sheriff receives notice of a bankruptcy before levying under a writ of attachment he must notify the plaintiff and, if the writ has been executed, he must notify the bankruptcy court.

The homestead exemption is not available against debts secured by a purchase money security agreement in a mobile home that is declared as a homestead.

Judgments of district courts may be transferred to the superior court and become a lien on the property of the judgment debtor. Judgments may also become liens on homestead property in excess of the value of the homestead from the time they are recorded. There is uncertainty as to when a district court judgment transferred to superior court becomes a lien on the homestead.

Before a creditor may execute on the real property of a debtor, the creditor must file an affidavit that he or she has exercised due diligence to determine whether the debtor has sufficient non-exempt personal property to satisfy the judgment and costs and whether the debtor claims the property as a homestead.

To levy on real property the sheriff is required to record a copy of the writ of execution with the recording officer. The sheriff levies on a vendor's interest in a real property contract by, in addition to recording the writ, serving a copy of the writ on the judgment debtor.

At least 30 days prior to sale of personal property under execution, the judgement creditor must send a copy of the notice by both certified and regular mail to the judgement debtor and the debtor's attorney.

A plaintiff may have more than one writ of attachment issued until sufficient property has been attached to satisfy the plaintiff's judgment. The plaintiff is entitled to costs only for writs actually executed and is liable to the defendant for the costs incurred by the defendant if too much property is attached.

A plaintiff seeking garnishment prior to judgment must file with the court a bond payable to the defendant in an amount equal to double the amount of the debt claimed by the plaintiff.

A writ of garnishment directed to a financial institution may name either the institution or an individual branch as the garnishee. The financial institution may designate an office for receipt of service. The writ on

the financial institution may be served on either the head office or the office designated by the financial institution. Service on a branch is only effective to attach accounts and other property of the defendant in that particular branch.

A writ of garnishment must tell the garnishee the amount that he or she must withhold. The amount to be withheld by the garnishee includes the sum of the judgment unsatisfied, or the amount of the complaint if before judgment, interest on the judgment, and the greater of \$50, statutory costs, or 10 percent of the remaining judgment or the amount of the complaint.

Summary: The duty of the plaintiff to notify the sheriff that the plaintiff has had a writ of attachment issued is deleted. The sheriff must notify the plaintiff when he or she receives notice that the debtor has filed for bankruptcy after a writ of execution or attachment has been issued.

A security interest in a mobile home is not subject to the homestead exemption.

If a judgment of the district court is transferred to the superior court, the judgment does not become a lien on the property of the judgment debtor until a certified abstract of the district court judgment is filed with the recording officer.

A creditor exercises due diligence in determining the amount of non-exempt personal property of a debtor if the creditor has examined the debtor in supplemental proceedings.

The sheriff levies on a vendee's interest in a real property contract in the same manner as he or she levies on real property. If the writ of execution is directed to a vendor's interest in a real property contract, the sheriff must also send a copy of the writ to the vendee.

The judgment creditor must file an affidavit with the court that he or she has complied with the requirement to provide notice to the debtor of the pending sale of personal property under a writ of execution.

A plaintiff may have multiple writs of garnishment issued under the same procedures and limitations as apply to multiple writs of attachment.

The bond filed by a plaintiff seeking garnishment must be in an amount double the amount of the debt claimed by the plaintiff, unless the court fixes a different amount.

The writ of garnishment directed to a financial institution must identify either the financial institution or a branch as the garnishee defendant. The head office of the financial institution may also be considered as a separate branch. Service on the financial institution must be either to the head office or the place designated by the financial institution for receipt

of service. A writ served on the financial institution may only attach deposits or accounts of the debtor in the financial institution. A writ served on a branch must name the branch as the garnishee defendant and will only attach the accounts, credits or other personal property of the debtor in the possession or control of the branch. Property of the debtor may be garnished only through a writ of garnishment directed to a branch.

The garnishee defendant must withhold the amount of the judgment remaining unsatisfied, including taxable costs, or if before judgment, the amount claimed by the plaintiff plus estimated taxable costs. In addition, the garnishee defendant must withhold estimated garnishment costs. These estimated costs include the filing fee, postage, answer fees and a garnishment attorney fee. The garnishment attorney fee may be the greater of \$50 or 10 percent of the judgment unpaid or claimed. The maximum garnishment attorney fee is \$250.

Votes on Final Passage:

House	90	0	
Senate	49	0	(Senate amended)
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

Effective: March 23, 1988

SHB 1369

C 178 L 88

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Winsley and Lux)

Regulating escrow.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions & Insurance

Background: When real property is purchased the buyer and seller usually engage the services of an escrow agent. The escrow agent performs services in accordance with an escrow agreement. The escrow agreement is a written contract creating an account to hold money for the purchase until certain conditions specified in the contract have been met. The escrow agent holds funds, such as loan funds obtained for the purchase, and pays the funds to the proper party when the contract terms are fulfilled.

Many mortgage lenders pay loan proceeds to the borrower by means of a check drawn on a financial institution located outside the state of Washington.

When this check is placed in escrow, the funds are not available for disbursement by the escrow agent until the check has cleared and funds are deposited locally. The escrow agent is then placed in a dilemma of deciding whether to wait until the check clears, which delays closing of the sale, or whether to pay funds out of another account. If the escrow agent pays funds from any account other than the appropriate account, the agent risks a loss either because the loan check fails to clear or a problem arises with the payor bank.

Escrow agents are required to have either a fidelity bond or errors and omissions insurance. However, the Director of the Department of Licensing may determine that such coverage is not reasonably available and may waive these coverage requirements for a fixed period of time not to exceed 90 days after the next regular session of the Legislature that follows the date of the director's determination.

The federal Real Estate Settlement Procedures Act prohibits the payment of referral fees for real estate settlement services involving federally related mortgage loans.

Summary: Escrow agents are prohibited from disbursing money from an escrow account without first receiving deposits directly relating to the account in amounts at least equal to the disbursements. These deposits must be of a specified type. Disbursements made in violation of this requirement constitute violations of the Consumer Protection Act.

The Director of the Department of Licensing may waive the insurance and bond requirements for escrow agents for a fixed period of time but there is no restriction on the director as to when or for how long the period will be.

"Real property lender" is defined as any entity that lends money secured by real property located in Washington.

No "real property lender," escrow agent, or employee of a lender or agent may pay a fee for referral of escrow business. This restriction does not prohibit the payment of any fee permitted under the federal Real Estate Settlement Procedures Act. Violation of this provision constitutes a violation of the Consumer Protection Act.

Votes on Final Passage:

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

Effective: June 9, 1988

SHB 1370

C 10 L 88

By Committee on Ways & Means/Revenue (originally sponsored by Representatives Holland, Appelwick, Taylor, Grimm, Silver, Braddock, Fuhrman, Bristow, Nealey, Valle, Padden, Brough, McLean, Basich, Schoon, H. Sommers, Winsley, May, B. Williams, Beck, Butterfield, Ballard, Baugher, Lewis, J. Williams, Amondson, Sanders, Kremen, Betrozoff, Rasmussen, Doty, Hankins, Miller, Hine, Holm and Cooper)

Increasing the head of family exemption for personal property taxes.

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

Background: In Washington all personal property is subject to property taxation unless exempted by law. Generally, personal property subject to the tax includes office equipment, office machinery and other personal property used in private business.

The state constitution and statutes provide a \$300 personal property tax exemption for each household. By statute all household effects are exempt from personal property taxes. However, an individual who operates a business from a home is subject to personal property taxation with a \$300 exemption. This exemption was provided by law in 1935.

Summary: The household personal property tax exemption is increased from \$300 to \$3,000 for property tax collections beginning in 1990. The act implements the constitutional amendment proposed in HJR 4222.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: January 1, 1989, provided the proposed amendment is ratified by the voters.

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C 64 L 88

By Representatives Appelwick and Dellwo

Revising transfer tax provisions.

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

Background: In 1981 the Washington inheritance and gift taxes were repealed by the voters through Initiative 402. At the same time an estate tax was enacted

in the amount of the Federal Death Tax Credit. This federal provision allows a limited credit against the federal inheritance tax for state taxes paid. The Washington estate tax absorbs the maximum allowable credit. Commonly called a "pick up" tax, the total tax liability of an estate is not changed since payment of the tax to the state reduces the amount of tax paid to the federal government by a like amount.

The 1986 Federal Tax Reform Act amended the federal inheritance tax with respect to generation-skipping transfers and recaptures of tax. Generation-skipping transfers refer to transfers of estates at least two generations after the transferor. The recapture tax refers to farms or closely held family businesses that are valued at their special use rather than at market value. The new law requires that such property be used by the heirs for the special use for a period of time. For the state to take advantage of the credits allowed for these two taxes they need to be mentioned in state law.

The Department of Revenue and estate tax lawyers have found numerous ambiguities and internal inconsistencies in Initiative 402.

Summary: References are made to a generation-skipping transfer "pick up" tax and a "pick up" tax on the special use recapture tax. This allows the state to collect taxes up to the maximum allowable federal credit.

Changes are made in various sections of the estate tax for clarification purposes.

Votes on Final Passage:

House 97 0
Senate 46 0

Effective: March 15, 1988

SHB 1373

C 131 L 88

By Committee on Ways & Means/Revenue
(originally sponsored by Representatives Unsoeld and Belcher)

Eliminating the current year tax cancellation for property becoming exempt from property tax.

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

Background: Taxes payable on property qualifying for property tax exemption may be cancelled on a pro-rata basis for the remaining portion of the year from the date of exemption or conversion to exemption.

If taxes have already been paid for the period following the qualification for exemption the property tax payer is entitled to a refund.

Summary: The authority to cancel the pro-rata portion of taxes payable and to refund any taxes that may have been paid is eliminated for the year in which the property tax exemption is granted.

Votes on Final Passage:

House 91 4
Senate 45 1

Effective: June 9, 1988

SHB 1377

C 147 L 88

By Committee on Judiciary (originally sponsored by Representatives Cooper, Padden, Armstrong, Sanders, Heavey, Wineberry, Pruitt, Rasmussen, May and Haugen; by request of Pharmacy Board)

Regulating precursor drugs.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Current law classifies and regulates the possession, manufacture and transfer of many different "controlled substances." Generally, controlled substances are drugs that have a potential for abuse and that may or may not have recognized medical uses. Penalties and restrictions vary depending on the type of substance, the activity involving the substance and, in some cases, the amount of the substance. The State Board of Pharmacy has authority to administer the controlled substances act.

An immediate precursor is defined as a substance that is the "principal compound commonly used . . . and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture." There are a great number of chemical substances that have legitimate uses, but may also be precursors in the illegal production of controlled substances.

Many controlled substances are statutorily classified. The State Board of Pharmacy is authorized to add substances to the lists of controlled substances based on statutory guidelines. Among those guidelines is a determination by the board as to whether a potential addition is an "immediate precursor" of an already controlled substance. If an immediate precursor is added to the list by the board, precursors of the

immediate precursor cannot be added solely because they are precursors of precursors.

Summary: A list of precursors to controlled substances is statutorily established outside of the controlled substances act. The State Board of Pharmacy is given authority to add to or delete from the list. A variety of restrictions are placed on the manufacture and sale of the listed precursors.

Any manufacturer or seller must require prospective purchasers of a listed precursor to supply proper identification. The identification must include an explanation of the use to which the precursor is to be put. Failure to require proper identification is a misdemeanor.

At least 21 days before a sale the seller must report the sale to the state board. However, the board may authorize monthly reporting in the case of regular business transactions, based on an established record of supplying listed substances for lawful purposes. A violation of this reporting requirement is a gross misdemeanor. Manufacturers or sellers who receive listed precursors from outside the state are also required to report under rules of the board. A violation of this reporting requirement is a gross misdemeanor. Transactions involving physicians or pharmacists are not subject to these reporting requirements.

A false statement made in connection with any required report is a class C felony.

Sale, transfer or receipt of a listed precursor with knowledge that it will be unlawfully used to manufacture a controlled substance is a class B felony.

Persons who manufacture or sell listed precursors are required to be licensed by the board. Licensees are required to report the theft or loss of any listed precursor within seven days of discovery.

Votes on Final Passage:

House	95	0
Senate	46	0

Effective: June 9, 1988

SHB 1382

C 186 L 88

By Committee on State Government (originally sponsored by Representatives Hankins, H. Sommers and Silver)

Providing for sunset review and termination dates.

House Committee on State Government
Senate Committee on Governmental Operations

Background: During the 1985, 1986 and 1987 Legislative sessions a large number of statutory boards, commissions, advisory committees and task forces were created. In many cases the statutes creating these entities also scheduled automatic termination or sunset review dates. However, in a number of cases termination or sunset review dates were not established and, as a result, the newly created entities will continue to exist as statutory committees for an indefinite period of time.

The entities created during the last three Legislative sessions for which no termination or sunset review dates exist are as follows:

Ground Water Management Advisory Committees – Effective May, 1985 these committees, established by sub-area, assist the Department of Ecology in the development of ground water management programs. Committees are appointed by department.

Migratory Waterfowl Art Committee – Effective May, 1985 this committee is responsible for selecting annual migratory waterfowl stamp designs, creating and selling collector art prints and related artwork, and reviewing Wildlife Department expenditures of receipts from stamps, prints and artwork. The committee consists of nine members; one member appointed by governor, six members appointed by the Director of Wildlife, one member appointed by the Chair of the State Arts Commission, and one member appointed by the Director of the Department of Agriculture.

Public Works Board – Effective June, 1985 the Public Works Board awards low-interest loans to local governments for public works projects, pledges money to finance local public works and provides a method for the allocation of loans or financing guarantees. The board consists of 13 members appointed by the governor.

Washington State Development Loan Fund Committee – Effective July, 1985 this committee approves applications from local governments for federal community development block grants. The committee consists of seven members appointed by Director of Department of Community Development.

Washington State Economic Development Board – Effective July, 1985 the board is to create a long-term economic development plan for the state. In addition to developing the initial economic development plan the board is to revise the plan and report to the Legislature annually. The board consists of 25 members, most of whom are appointed by the governor. Members who are legislators are appointed by their respective caucuses.

Committee to Study Water Supply Availability in the Columbia Basin area – Effective April, 1986 this committee is to study the availability of water in the Columbia Basin and other Columbia Basin irrigation issues. Members are appointed by Director of Agriculture.

Department of Natural Resources Recreation Advisory Committee – Effective June 30, 1986 this committee is to provide advice to the Department of Natural Resources (DNR) regarding outdoor recreation needs and the effect of proposed DNR actions on recreational opportunities. The committee is established by DNR.

Land Bank Advisory Committee – Effective June, 1986 this committee is to advise the Department of General Administration (GA) on the establishment of the Washington Land Bank and to submit a progress report to the Legislature by January 1, 1987.

The committee consists of nine members as follows: two Senate members appointed by the President of the Senate, two House members appointed by the Speaker of the House, the Director of Agriculture or designee, one member appointed by the Director of GA, two members appointed by the Director of Agriculture and the Director of GA.

State Fire Protection Policy Board – Effective April, 1986 this board advises the Department of Community Development on fire service matters, nominates the Director of Fire Protection, adopts fire service plans and performs numerous other functions. The board consists of 10 members appointed by the governor.

Wood Stove Advisory Committee – Effective July, 1987 this committee assists the Department of Ecology in setting fees on sales of wood stoves, designing an education program and developing wood stove regulations. The committee is established by DOE and rules are to be adopted by January 1, 1988.

Employee Ownership Advisory Panel – Effective July, 1987 this Panel assists the Department of Community Development in establishing an employee ownership program. Members are appointed by the Director of the Department of Community Development.

Winter Recreation Commission – Effective May, 1987 this commission is to promote winter recreation. The commission consists of 13 members appointed by the Legislature and the governor. It's predecessor committee of the same name went out of existence January 1, 1987.

Summary: The following entities are scheduled for termination as follows: Land Bank Advisory Committee, June 30, 1988; Wood Stove Advisory Committee, June

30, 1988; Groundwater Management Advisory Committees, June 30, 1998; Employee Ownership Advisory Panel, June 30, 1993; Department of Natural Resources Recreation Advisory Committee, June 30, 1991; Committee to Study Water Supply Availability in the Columbia Basin Area, June 30, 1994; Winter Recreation Commission, June 30, 1994 (the commission and its powers and duties are terminated); and Washington State Development Loan Fund Committee, June 30, 1994 (the committee's duties are transferred to the Department of Community Development).

These entities and their powers and duties are scheduled for sunset review as follows: Public Works Board, June 30, 1993; Washington State Economic Development Board, June 30, 1993; Migratory Waterfowl Art Committee, June 30, 1994; and State Fire Protection Policy Board, June 30, 1996.

Votes on Final Passage:

House	92	1	
Senate	45	3	(Senate amended)
House	98	0	(House concurred)

Effective: June 9, 1988
 June 30, 1998 (Section 1)
 June 30, 1993 (Section 17)

SHB 1383

C 193 L 88

By Committee on Human Services (originally sponsored by Representatives Leonard and Lux)

Changing provisions relating to alcoholism treatment programs.

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

Background: The Department of Social and Health Services certifies drug treatment centers and alcohol treatment facilities that rehabilitate persons suffering problems related to alcohol and drug abuse. The department also verifies documentation submitted by the treatment center relating to the qualifications of the staff who provide treatment. However, the department's responsibility for assuring the adequacy of care, treatment and rehabilitation does not include authority to evaluate the competency of individual alcohol or drug counselors.

Summary: The secretary of the Department of Social and Health Services is given authority to enter into agreements for monitoring verifications of drug and

alcohol counselor qualifications. In effect, the department will recognize certification of counselors as evidence of counselor competency.

Votes on Final Passage:

House	94	0	
Senate	46	2	(Senate amended)
House			(House refused to concur)
Senate	46	0	(Senate receded)

Effective: June 9, 1988

HB 1387

C 237 L 88

By Representatives Leonard, J. Williams, Nutley, Sanders and Wineberry

Providing for housing security deposits for qualified persons.

House Committee on Housing
House Committee on Ways & Means/Appropriations
Senate Committee on Economic Development & Labor

Background: The Residential and Mobile Home Landlord-Tenant Acts permit the landlord to obtain a security deposit from the tenant for performance of the tenant's obligations under the rental agreement. Some landlords also collect the last month's rent in addition to the standard security deposit.

Some poor or temporarily homeless persons can afford the monthly rent payment, but do not have the cash needed for the initial lump sum security deposit.

Summary: The Department of Community Development is required to establish and maintain a rental security deposit guarantee program. The department will provide grants and technical assistance to local governments and nonprofit corporations who operate emergency housing facilities or transitional housing programs. The local government or nonprofit corporation must contribute 15 percent of the total amount needed for the security deposit. The deposit includes the last month's rent when it is a normal requirement of the landlord.

The local government or nonprofit corporation will assist homeless persons or families who are temporarily residing in an emergency shelter or transitional housing, or families who are otherwise without adequate shelter.

The landlord, the tenant, and the local government or nonprofit corporation enter into a three party contract where the tenant pays the deposit over time on a monthly basis to the landlord. The local government or

nonprofit corporation guarantees that the landlord will receive the amount of the deposit. The funds for the guarantee are provided by a grant from the department to the local government, which covers 85 percent of the needed amount.

The department is to establish rules regarding the eligibility of local governments and nonprofit corporations to receive grants and technical assistance, and the eligibility of tenants to participate in the program.

Up to \$100,000 may be used from the Housing Trust Fund for the rental security deposit guarantee program.

Votes on Final Passage:

House	86	7	
Senate	47	1	(House refused to concur)
Senate	44	0	(Senate receded)

Effective: June 9, 1988

SHB 1388

C 61 L 88

By Committee on Housing (originally sponsored by Representatives Nutley, J. Williams, Leonard, Sanders, Barnes, Wineberry, Padden, Heavey, Anderson, Jacobsen, Valle, May, Ballard, Nelson, Jesernig, Todd, Moyer, Lux, Unsoeld, Ferguson and Day)

Exempting temporary lodging for homeless persons from state and local excise taxation.

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

Background: The use of hotel and motel facilities for emergency short term lodging (less than 30 days) of homeless persons by local nonprofit organizations is common throughout Washington. This approach to providing short term emergency shelter is cost-effective for many smaller emergency shelter programs.

In Washington retail sales taxes must be collected on all non-exempt retail sales based on a percentage of the selling price. The Department of Revenue has determined that a retail sale includes the furnishing of lodging by a hotel, rooming house or other similar entity, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. The current state sales tax rate is 6.5 percent, with counties and cities authorized to levy an additional combined retail sales tax not to exceed 1.3 percent.

In addition to the state and local retail sales tax the Legislature has authorized a special excise tax on

SHB 1388

lodging in specified cities and counties. The excise tax rate is 2 percent in Pierce and King Counties and the city of Tacoma, and 5 percent in the city of Seattle.

Summary: The use of hotel and motel facilities for emergency short-term lodging of homeless persons is exempt from special excise and retail sale taxation at the state and local level. To qualify for the exemption the lodging must be provided on an emergency basis for less than 30 days and through a shelter voucher program administered by an eligible organization.

Eligible organizations include only cities, towns and counties, or their respective agencies, and groups that provide emergency food and shelter services to homeless persons.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: July 1, 1988

SHB 1389

C 238 L 88

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Nutley, J. Williams, Leonard, Sanders, Wineberry, Heavey, Anderson, Jacobsen, Valle, Nelson, Todd, Lux, Unsoeld and Ferguson)

Creating the emergency food and shelter program revolving account.

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

Background: The Federal Emergency Management Agency (FEMA) oversees and funds the Emergency Food and Shelter Program. The funds for this program are allocated by a national board. The national board is chaired by FEMA, and consists of representatives from United Way, The Salvation Army, the National Council of Churches, Catholic Charities, the Council of Jewish Federations, and the Red Cross. Local boards manage the program at the local level.

The intent of the program is to meet emergency needs by supplementing the existing food and shelter assistance that persons may currently be receiving, as well as by helping those who are receiving no assistance. One form of assistance is a one time payment of rent for poor persons facing eviction.

There is usually a delay between the approval of the grant and the disbursement of the funds. This gap

often exists from October, which is the beginning of the federal fiscal year, through February or March.

Summary: The Department of Community Development is to make loans to local governments or organizations that have been approved to receive a grant from FEMA through the emergency food and shelter program. The recipient of the department's loan will repay the loan when the federal funds are received.

The loans are to be issued by the department to cover the gap and meet the emergency service needs from October through March. The recipient will not be required to pay interest on the loan.

The department is to make rules to implement and administer the program. Two hundred fifty thousand dollars is provided to the department for loans, and the department is allocated \$10,000 to implement and administer the program. These appropriations are from the general fund. The loan repayments by the recipients will be deposited in the general fund by the department.

The program will expire on June 30, 1989.

Votes on Final Passage:

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

Effective: June 9, 1988

SHB 1392

C 20 L 88

By Committee on Health Care (originally sponsored by Representatives D. Sommers, Braddock, Beck, Day, Betzoff, Moyer, Sanders, Silver and Ferguson)

Exempting type A continuing care retirement communities from certificate of need requirements.

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

Background: To provide cost containment and to assure the public's access to health resources, a certificate of need is required to develop any new health facility or for a health facility to make any capital expenditure that substantially changes the services or that otherwise exceeds \$1 million.

While nursing homes are considered health care facilities, "continuing care retirement communities," which may have nursing beds, are not specifically included under the certificate of need program.

Summary: Continuing care retirement communities are specifically included under the state certificate of

need program. A continuing care retirement community is an entity that provides shelter and services, including health facilities or health services, to its members, under contract, for the duration of the member's life. The contract must be one that is conditioned upon the transfer of property, the payment of a fee or periodic charges by the member.

Continuing care retirement communities are excluded from certificate of need review if: services are limited to members only; services are guaranteed; costs of services are contractually assumed by the facility; the facility has been in operation since January 1, 1988 or has a valid certificate of need as a nursing home; the facility has a hold-harmless agreement with the Department of Social and Health Services for the costs of care; the facility maintains a maximum ratio of one nursing home bed to four living units; and a limitation has been placed on the total number of nursing home beds unless a financial review has been made.

Votes on Final Passage:

House	92	0
Senate	41	6

Effective: June 9, 1988

HB 1396

C 161 L 88

By Representatives Wang, Patrick and Cole; by request of Department of Labor and Industries

Revising industrial insurance disability benefits.

House Committee on Commerce & Labor

Senate Committee on Economic Development & Labor

Background: MONTHLY BENEFITS. The amount of basic workers' compensation disability and death benefits paid monthly to injured workers or beneficiaries is based on a percentage of the worker's wage at injury. The percentage varies depending on the marital status of the worker and the number of children. However, the maximum amount is limited to 75 percent of the state average monthly wage. Tips, overtime pay and gratuities are not included in the calculation of a worker's wage. The Board of Industrial Insurance Appeals has determined that the Department of Labor and Industries must base wages on the worker's current wage at the time of injury, not on the average of the worker's recent wage history.

OCCUPATIONAL DISEASE. Compensation for an occupational disease claim is based on the payment

schedule that was in effect at the time the worker contracted the disease or was last exposed to injurious substances. For many occupational diseases, the disease does not manifest itself for many years after the date that the worker was last exposed to the injurious substance.

In a 1987 Washington state supreme court decision, industrial insurance coverage for occupational diseases was extended to certain disabilities caused by repetitive trauma and aggravation of pre-existing nonoccupational diseases. It is not clear whether the court's decision extends coverage to mental stress cases.

PERMANENT DISABILITY. If a worker is awarded a permanent partial disability award based on a back injury that does not have marked objective clinical findings, the award is automatically reduced by 25 percent.

JOB MODIFICATION. Job modification benefits are allowed for modification of the worker's old job, but not a new job. New jobs or new job modifications are not listed in the return-to-work priorities for vocational rehabilitation plans.

REOPENING CLAIMS. If aggravation, diminution or termination of a worker's disability occurs within seven years of the previous claim closure order, the worker's claim may be reopened to adjust benefits.

SELF-INSURERS' CLAIM CLOSURE. In 1986, self-insurers were given authority to close industrial insurance claims that involve medical benefits or temporary disability benefits. The program is scheduled for termination on June 30, 1988.

Summary: MONTHLY BENEFITS. Beginning July 1, 1988, the maximum monthly disability or death benefit payable to an injured worker or beneficiary is 100 percent of the state average monthly wage. The definition of "wages" for determining the monthly wages on which to compute an injured worker's industrial insurance benefits is amended to include tips, to the extent that tips are reported to the employer for federal income tax purposes. For employment that is exclusively seasonal or essentially part-time or intermittent, a 12 month averaging formula is established to determine the monthly wage.

OCCUPATIONAL DISEASE. The rate of compensation for occupational disease claims filed on or after July 1, 1988, is established as of the date that the disease requires medical treatment or becomes disabling, whichever occurs first, without regard to the date on which the disease was contracted or the date the claim was filed. The Department of Labor and Industries is directed to adopt a rule that mental conditions and disabilities caused by stress are not included within the definition of occupational disease.

PERMANENT DISABILITY. The reduction in the permanent partial disability award for back injuries that do not have marked objective clinical findings is deleted beginning July 1, 1988.

JOB MODIFICATION. The department is authorized to provide job modification benefits to workers entering employment with a new employer. Job modification with a new employer or a new job is made a return-to-work priority under a vocational rehabilitation plan.

REOPENING CLAIMS. The time period for reopening an industrial insurance claim is changed to one seven year period that runs from the date the first closing order becomes final. However, the director may provide proper and necessary medical care at any time. After July 1, 1988, an order denying an application to reopen must be issued within 90 days of the filing of the application or it is deemed granted. The department may extend the 90 day time period an additional 60 days for good cause.

SELF-INSURERS' CLAIM CLOSURE. The program allowing self-insurers to close certain industrial insurance claims is extended until June 30, 1990.

Votes on Final Passage:

House	58	36	
Senate	42	7	(Senate amended)
House	97	0	(House concurred)

Effective: July 1, 1988 (Sections 1-3 and 6)
June 30, 1989 (Section 4)

HB 1401

C 13 L 88

By Representatives Spanel, Holland, Belcher, Cole, Ferguson, Grant, Grimm, Winsley, Rayburn, Nutley, Leonard, Doty, Sanders, Lewis, Silver, Wang, Sayan, Appelwick, Bristow, Patrick, Taylor, Heavey, Kremen, Holm, May, Brough, Jesernig, Schoon, Moyer, Rasmussen, Unsoeld, Brekke and Day

Expanding the business and occupation tax exemption for sheltered workshops.

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

Background: In 1970 a business and occupation (B&O) tax exemption was enacted for sheltered workshops. The statute exempts income derived from activities performed within the workshop facility. At that time all work was performed within the facility.

With the passage of time employment opportunities have become increasingly available "off-site." However, the income from such "off-site" activities is not exempt from the B&O tax.

Summary: A business and occupation tax exemption is extended to income derived from "off-site" activities of sheltered workshops.

Votes on Final Passage:

House	94	0	
Senate	48	0	

Effective: June 9, 1988

SHB 1404

PARTIAL VETO

C 211 L 88

By Committee on Health Care (originally sponsored by Representatives Bristow, Brooks, McLean, Holm, Braddock, Lux, Peery, Cooper and Day)

Revising provisions relating to licensure of nursing.

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

Background: The State Board of Nursing is currently required to approve nursing curricula, schools of nursing and to establish minimum education standards. The board may adopt regulations in response to questions by professional groups and individuals but is not authorized to issue advisory opinions. Current provisions in the law allow registered nurses from other states to gain licensure to work in this state by endorsement; however, these provisions are unclear regarding the ability for licensed practical nurses from other states to be licensed in this state by endorsement.

The board is required to establish proof of currency of knowledge and skill after a licensed nurse has not practiced in three years. Renewal of the license is dependent on the applicant completing the established requirements of continuing nursing education. Licensed nurses who wish to retire temporarily are required to submit a written notice to the director and are then placed on a non-practicing list. They are exempt from the payment of any renewal fees and are unable to practice nursing in this state.

Recent data indicate that the health care industry is facing a significant shortage of licensed nursing staff. The current lack of nursing staff is critical in both medical/surgical specialties and in certain geographical locations around the state.

Summary: The State Board of Nursing is required to conduct a study that investigates the scope of all nursing education programs in the state to develop a model for articulation of the education program for career mobility and for support for innovative nursing education programs. The board will report its findings to the Legislature by January 1, 1989.

The board is authorized to issue licenses by endorsement to applicants for licensure as a registered or practical nurse. Licensure by endorsement will be limited to nurses holding credentials to practice nursing in states that have been determined by the board to have standards equal to those in Washington state.

The State Board of Nursing is required to issue an interim permit that allows an applicant to practice as a practical nurse or advanced registered nurse practitioner while waiting on the results of his or her first licensing examination.

The Board may issue advisory opinions in response to questions from professional groups or individuals.

Applicants for licensure or license renewal must indicate whether their status is active or inactive. Nurses on inactive status for three years or more must provide to the board evidence of knowledge and skill of current practice. The board will establish criteria for proof of reasonable evidence of knowledge. Nurses on inactive status may not practice nursing.

The need for proof of continuing nursing education as a condition of nursing license renewal is repealed.

Votes on Final Passage:

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

Effective: June 9, 1988

Partial Veto Summary: Provisions are vetoed authorizing the Department of Licensing, effective April 1, 1988, to issue interim permits for licensed practical nurses to practice, pending notification of the results of their licensing examination. These vetoes are technical in nature, as identical provisions are contained in SB 6119, which has been signed by the governor. (See VETO MESSAGE)

SHB 1416

C 129 L 88

By Committee on Agriculture & Rural Development (originally sponsored by Representatives McLean, Haugen, Rayburn, Ballard, Betrozoff, D. Sommers, Sanders, Nealey and Ferguson)

Revising provisions relating to private ways of necessity.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: The state's constitution prohibits private property from being taken for private use. However, an exemption from this prohibition is provided for private ways of necessity. Generally, a landowner may petition the superior court for a private way of necessity over adjoining land if the private way is necessary for the landowner to have the "proper use and enjoyment" of his or her land. Perhaps, the typical case involves a petitioner who owns property that is landlocked and who argues that a private way of necessity over adjoining land is necessary in order to obtain access to the property.

Summary: The statutes governing private ways of necessity are amended. The owner of any land contiguous to the property for which a way of necessity is sought may be joined as a party in the condemnation proceeding for the way of necessity if the contiguous land might contain a site for the private way. If it is determined that there are more than one possible route for the private way, the selection of the route is guided by the following order of priorities: nonagricultural and nonsilvicultural land must be used, if possible; if agricultural land must be used, the least productive must be used; and the relative benefits and burdens of the various possible routes must be weighed.

The court may allow reasonable attorneys' fees and expert witness costs to reimburse a condemnee.

Votes on Final Passage:

House	97	0	
Senate	46	2	(Senate amended)
House	93	0	(House concurred)

Effective: June 9, 1988

HB 1418

C 58 L 88

By Representatives Rasmussen, S. Wilson, Walk, Schmidt, Dorn and Unsoeld

Holding motor freight carrier hearings in the area of proposed operations.

House Committee on Transportation
Senate Committee on Transportation

Background: Intrastate for-hire carriers (common and contract) must obtain operating authority from the

Utilities and Transportation Commission (UTC) prior to hauling for compensation. An application to provide a transportation service, or an extension of existing service, must be submitted to the UTC. A hearing on an application is held in the applicant's resident county or adjoining county. At the hearing testimony is presented by the applicant, shippers and receivers on the need for the service. Following the hearing the commission may approve, modify or deny the application.

Summary: Hearings on Utilities and Transportation Commission (UTC) operating authority entry and extension applications are to be held in the county or adjoining county affected by the proposed service. If the service is to be provided in more than one county the UTC may hold the hearing at a location that provides the greatest opportunity for testimony, i.e., a location affected by the proposed service.

Votes on Final Passage:

House 95 0
Senate 49 0

Effective: June 9, 1988

SHB 1419

C 152 L 88

By Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Locke and P. King; by request of Office of Financial Management)

Revising provisions relating to the collection of criminal justice information.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Prior to 1987 the Corrections Standards Board was responsible for transmitting to the Department of Corrections information it collected from local jails. That information consisted of admittance and release data on all convicted felons who served time in a local jail.

In 1987 the Corrections Standards Board was abolished and its function regarding the collection of local jail information was given to the Office of Financial Management.

Summary: The Office of Financial Management is given express authority to contract with a state or local government agency, or with a private agency, to collect and transmit local jail information on felon admittance and release.

Votes on Final Passage:

House 95 0
Senate 47 0

Effective: March 21, 1988

SHB 1420

C 274 L 88

By Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cooper, Appelwick, Sayan, Brough and H. Sommers)

Revising provisions on property taxes.

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

Background: The constitution and statutes place several restrictions on property taxes.

Statutes establish the maximum tax rate that each taxing district may impose. These rate limitations are expressed in terms of a dollar value per \$1000 of assessed valuation, except that the state's rate is a dollar value per \$1000 of assessed valuation adjusted to an equalized value.

Statutes place a cumulative rate limitation on most of the regular property tax levies of most taxing districts at \$9.15 per \$1000 of assessed valuation that may be imposed on any property. The relative status of the various taxing districts has been established so that the senior taxing districts (counties, road districts, cities and towns, and the state for educational purposes) are permitted to impose their tax levies before the remaining taxing districts, referred to as junior taxing districts, impose their tax levies. Different status levels have been established for the regular property tax levies of various junior taxing districts. If the requested rates of tax levy exceed this \$9.15 limit on any property, levy rates of the lowest status tax levies of the junior taxing districts are reduced or eliminated to remain within this cumulative ceiling rate. The reduction or elimination occurs on the lowest status levies and districts before the next highest are affected. Provision has been made for voters to authorize temporarily an increase in this \$9.15 limit up to an amount not to exceed \$9.50 per \$1000 of assessed valuation.

Taxing districts other than the state have been authorized to transfer money to other taxing districts, in return for the recipient district reducing its tax levy, and to enter into contracts where a service is supplied, in return for the recipient district reducing its tax levy.

Fifth class and smaller counties are authorized to increase their county-wide property rate from a maximum of \$1.80 per \$1000 of assessed valuation up to \$2.475 per \$1000 of assessed valuation, and reduce the road district levy rate by an equivalent amount so that the sum of both rates does not exceed \$4.05 per \$1000 of assessed valuation. Fourth class and ninth class counties are authorized to increase their county-wide tax rate from a maximum of \$1.80 per \$1000 of assessed valuation up to \$2.25 per \$1000 of assessed valuation if no other taxing district's tax rate is affected.

The boundaries of a taxing district are established on the first day of March in each year for purposes of imposing property taxes later that year for collection in the following year.

Summary: Property tax laws are altered as follows:

The sunset provisions are deleted on: (a) the ability of a taxing district to transfer money to another taxing district, in return for the district that receives the money reducing its property tax rate; (b) contracts between taxing districts where one district supplies a service to another district, in return for the district that receives the service reducing its regular property tax rate; and (c) the hold harmless provisions of the 106 percent limitation for taxing districts that lower their property tax rates.

The ability of fifth class and smaller counties to increase their county-wide tax rate above \$1.80 per \$1000 of assessed valuation is eliminated, but any county is authorized to increase its countywide tax levy, and decrease its road district tax levy, if the sum of both levies does not exceed \$4.05 per \$1000 of assessed valuation, and if the tax rate of no other taxing district is affected.

A one year assistance program is established to fund the costs of a fifth class or smaller county that contracts with, or transfers money to, taxing districts where such action enables the county to increase its countywide property tax beyond the normal limitation of \$1.80 per \$1,000 of assessed valuation. A temporary revolving fund is established to provide money for such assistance. An appropriation of \$100,000 to this account, plus one-half of the interest earnings on this local sales and use tax account is transferred to the account. One-half of the distributions is made to eligible counties on April 30, 1989 and one-half of the distributions is made on October 31, 1989.

Laws establishing the "\$9.15 limitation" are clarified that this limitation actually includes two limitations as follows: (a) a cumulative limitation of \$5.55 per \$1000 of assessed valuation for all taxing districts, other than the state, port districts, and public utility

districts (PUD's); and (b) a limitation of \$3.60 per \$1000 of assessed valuation adjusted to an equalized value for the state for education purposes.

Laws are clarified that the county property tax for conservation futures are beyond the \$9.15 limitation.

The provisions of law are altered concerning the pro-rationing of junior taxing district levies so that the highest status junior taxing district tax levies are protected somewhat. After pro-rationing of the lower status junior taxing district levies, the levy of the taxing district with the smallest assessed valuation is reduced, and the taxing districts with levies that otherwise would have been pro-rated but for this reduction pay to the district that had its levy reduced an amount equal to the amount that this district lost due to a reduction in its levy. The amount paid by each of these districts is proportional to the amount that each would have lost to pro-rationing if the levy of the smaller district were reduced. A city or town that has been annexed by a fire district or library district would forgo a portion of this payment.

Annexations by fire districts of adjacent territory located in another county in 1987 and thereafter, are validated if the applicable procedures are followed. The effective date of such an annexation that was accomplished in 1987 is February 1, 1988 for purposes of establishing boundaries for taxation purposes.

Votes on Final Passage:

House	94	0	
Senate	46	1	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	40	8
House	97	0

Effective: June 9, 1988

SHB 1424

PARTIAL VETO

C 153 L 88

By Committee on Health Care (originally sponsored by Representatives Dellwo, Brooks, Braddock, Grimm, Vekich, Bristow, D. Sommers, Ebersole, Cantwell, Belcher, Locke, Armstrong, Crane, Appelwick, Brough, Bumgarner, Sprenkle, Day, Holland, P. King, McLean, Butterfield, Fuhrman, Doty, Basich, Jesernig, Moyer, Wineberry, Unsoeld and Brekke; by request of Governor Gardner)

Revising provisions on community custody.

House Committee on Health Care

House Committee on Ways & Means/Appropriations

Senate Committee on Law & Justice

Background: The Sentencing Reform Act (SRA), which went into effect on July 1, 1984, is a "determinate" system of criminal sentencing that does not include post-release supervision of felons after they have served their prison time. The SRA eliminated parole for offenses committed after the act's effective date. Although sentences under the SRA are determinate, offenders may earn up to one-third of their sentence as "good time" toward an early release.

Also, current law is unclear regarding the priority for payment of restitution by offenders and the role of Department of Corrections in offender compliance with payment of monetary obligations.

Summary: Effective July 1, 1988 the sentencing court in a felony case is required to add one year of community placement to the sentence of any person convicted of a sex offense, a serious violent offense, assault in the second degree, any crime against a person where it is determined that the defendant or an accomplice was armed with a deadly weapon when the crime was committed, or any felony drug offense.

"Community placement" is defined as a one year period of community custody or post-release supervision.

"Community custody" is defined as that portion of the offender's sentence of confinement in lieu of earned early release time served in the community, subject to the controls of Department of Corrections (DOC). An offender will be subject to community custody only if he or she has earned some good time. Violations of community custody will be handled administratively by DOC.

"Post release supervision" is defined as that portion of an offender's community placement that is in excess of the amount of time an inmate has served in community custody. An offender will be subject to post release supervision only if he or she has earned less than one year of good time. Violations of post-release supervision will be handled judicially by the courts.

Immunity from civil liability is provided for employees in community placement programs.

An evidentiary standard of "preponderance of the evidence" is established for a violation of a condition of a community placement sentence.

The definition of the crime of escape is amended to reflect community custody.

Restitution to the victim is made the first priority in an offender's monetary obligation. DOC is permitted to supervise monetary obligations and set the rate of payment, if not done so by the court.

The Secretary of DOC is given authority to issue arrest warrants for violators of community placements.

The SRA's offender score matrix is amended to add one point for violation of community placement.

DOC is required to report to the Legislature on the implementation of the bill in January, 1989.

Votes on Final Passage:

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

Effective: June 9, 1988

Partial Veto Summary: The vetoed language was in a section of RCW that was repealed by SB 6462, as adopted by the Legislature. That section was redundant and had no effect on the law. (See VETO MESSAGE)

SHB 1429

PARTIAL VETO

C 154 L 88

By Committee on Judiciary (originally sponsored by Representatives Appelwick, Patrick, P. King, Brough, Armstrong, Wang, McLean, Butterfield, Chandler, Fuhrman, Doty, Todd, Silver, Moyer and Brekke)

Providing for home detention under the sentencing reform act.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The Sentencing Reform Act governs the sentencing of all persons convicted of felonies in Washington. Generally, any person convicted of a felony must be sentenced within the act's standard range for the offense. The standard range is determined based on the person's past criminal history and the seriousness of the current offense. If there are reasons justifying an exceptional sentence, or for certain first time offenders, the court may impose a sentence outside the standard range.

Some defendants convicted of certain felonies may be ordered to serve sentences of one year or less in partial confinement in a facility operated by, or under contract with, the state or local government. Partial confinement requires the defendant to spend a substantial portion of each day in the facility with the remainder spent in the community. Work release is a type of partial confinement.

Summary: Partial confinement under the Sentencing Reform Act includes a program of home detention. A program of home detention permits a person convicted

of a felony and sentenced to partial confinement to be confined in a private residence, and subject to electronic surveillance. The home detention program is not available to any person convicted of a violent offense, any sex offense, offenses involving controlled substances classified as narcotics, or the crimes of reckless burning, third degree assault, unlawful imprisonment, second degree burglary or harassment. An offender must obtain or maintain employment or attend school, comply with the rules of the home detention program and comply with court-ordered restitution.

Votes on Final Passage:

House	88	9	
Senate	45	2	(Senate amended)
House	89	9	(House concurred)

Effective: June 9, 1988

Partial Veto Summary: The governor vetoed an intent section that stated that home detention is made necessary by crowded jail conditions caused by increased drug enforcement efforts, longer sentences under the Sentencing Reform Act and tougher driving while intoxicated penalties. (See VETO MESSAGE)

SHB 1445

C 150 L 88

By Committee on Judiciary (originally sponsored by Representatives Wineberry, Armstrong, Padden, O'Brien, Cole, Crane, Anderson, Heavey, Brough, Valle, P. King, Lewis, Jacobsen, Patrick, Unsoeld, Baugher, Leonard, Meyers, Scott, Haugen, Zellinsky, Lux, Ebersole, Brekke, Kremen, Betrozoff, Pruitt, Ballard, May, Fuhrman, Doty, Sutherland, Sanders, Jesernig, Todd, Silver, Moyer, Locke, Rasmussen, Ferguson and Winsley)

Prohibiting drug-related activities in rental dwellings.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The Residential and Mobile Home Landlord-Tenant Acts list several duties the tenant must meet. The landlord and the tenant may also contract for other duties in the rental agreement. A violation of any of these duties by the tenant is justification for the landlord to initiate eviction proceedings.

A tenant is evicted through an unlawful detainer action. The landlord must follow specific notice requirements that are described in statute. If the tenant does not cure the default or defect within the specified period, then the landlord may proceed with an unlawful detainer action. This civil action provides

for a show cause hearing, where the parties and the witnesses are orally examined by the judge.

If the tenant loses or defaults at the show cause hearing, the judge orders a writ of restitution issued, which restores the premises to the landlord. Once served on the tenant, the writ is enforced by the sheriff after three days. If a trial is scheduled, the tenant may remain at the premises pending the outcome of the trial by posting a bond.

Many rental agreements prohibit the tenant from engaging in illegal activities on the premises. Under such an agreement, drug-related activity on the premises is justification for an unlawful detainer action based on a default in the rental agreement. However, where no such language is included in the rental agreement, the landlord may evict a tenant for illegal activities only if the activity violates a rule the landlord and tenant have agreed to, or if the illegal activity is a "nuisance" or a "business."

The burden of proof in civil actions is less than the burden in criminal proceedings. In civil actions, which include unlawful detainer, the burden of proof is a preponderance of the evidence. In criminal proceedings, the burden of proof is beyond a reasonable doubt. Therefore a person could be found to have engaged in illegal conduct in a civil action, but found not to have engaged in illegal conduct for the same activity in criminal proceedings because of the different burdens of proof.

Summary: Tenants are prohibited from engaging in drug-related activity on the rental premises. If a tenant does engage in drug-related activity the landlord can use the unlawful detainer provisions to evict the tenant. "Drug related activity" is defined as any violation of the controlled substances act, the imitation controlled substance act, or the imitation drug act.

If the basis for an unlawful detainer action is that the tenant engaged in drug-related activity at the premises, the tenant cannot avoid an unlawful detainer action by ceasing the drug activity. If the court finds that the tenant has engaged in drug related activity, after being served with a writ of restitution the tenant may not remain at the premises by posting a bond. The tenant may not raise as a defense any claim he or she has against the landlord.

A law enforcement agency must reasonably attempt to discover the identity of, and notify, the landlord when the law enforcement agency seizes drugs at a rented premises.

A landlord has a defense to the crime of knowingly renting or knowingly fortifying a rental unit for drug use by the tenant if: the landlord notified a law

SHB 1445

enforcement agency of the drug activity, or the landlord processed an unlawful detainer action against the tenant.

Votes on Final Passage:

House	94	2	
Senate	49	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	48	0
House	97	0

Effective: June 9, 1988

SHB 1450

C 41 L 88

By Committee on Trade & Economic Development (originally sponsored by Representatives Vekich, Schoon, Fox, Hargrove, Wineberry, B. Williams, Peery, Betzoff, P. King, Sayan, McLean, May, Fuhrman, Doty, Sutherland, D. Sommers, Walker, Sanders, Rayburn, Moyer, Cooper, O'Brien, Spanel and Day; by request of Governor Gardner)

Extending the excise tax deferral and credit programs for manufacturing and research and development activities.

House Committee on Trade & Economic Development

House Committee on Ways & Means/Revenue
Senate Committee on Economic Development & Labor and Ways & Means

Background: The Legislature established two sales tax deferral programs in the 1985 session. One applies to investments in new manufacturing and research and development facilities by manufacturers who have not operated manufacturing facilities in the state. The other applies to investments in facilities located in economically distressed counties, such a county is defined as one with an unemployment rate twenty percent above the three-year state-wide average unemployment rate. Provisions in both programs permit a three year deferral of sales taxes for a manufacturer and a five year payback period was provided in each of these programs.

During the 1986 session, the new manufacturers' tax deferral program was extended for two years. The Legislature also established a program providing for

credits against the state business and occupation tax for manufacturers in distressed areas that create employment at least 15 percent above the prior year. Under the provisions of the program, a manufacturer may apply to the Department of Revenue to receive a \$1,000 business and occupation tax credit for each new job created. A business in a distressed area may qualify for both the distressed area sales tax deferral program and the business and occupation tax credit. In 1987 the provisions of the new manufacturers' program were extended to the acquisition and modernization of the aluminum production facilities. To participate in the program applicants are required to obtain a written concurrence from collective bargaining units representing employees in the facility for which a deferral is being sought. The Department of Trade and Economic Development is permitted to grant a waiver to the concurrence under specific conditions.

The sales tax deferral program for new manufacturing facilities by out-of-state firms cannot accept new applications after June 30, 1988, and construction must begin by December 31, 1988. The sales tax deferral program for facilities in distressed areas cannot accept new applications after June 30, 1991. The business and occupation tax credits for investments in distressed areas are to expire on July 1, 1988.

Summary: The sales tax deferral program available for investments in manufacturing and research and development by firms with no previous manufacturing operation in the state is extended until July 1, 1994.

The business and occupation tax credit available for investments in economically distressed counties is extended until July 1, 1994.

The capacity of the Department of Trade and Economic Development to grant waivers to the concurrence required for investments in the aluminum product facilities for the new manufacturers' sales tax deferral program is eliminated.

The sales tax deferral program available for investments in manufacturing and research and development by firms in economically distressed areas is extended until July, 1994. A severance clause is provided.

Votes on Final Passage:

House	84	12	
Senate	40	1	(Senate amended)
House	92	6	(House concurred)

Effective: June 9, 1988

SHB 1460

C 188 L 88

By Committee on Judiciary (originally sponsored by Representatives Armstrong, Locke and May; by request of Office of the Administrator for the Courts)

Revising jury selection and summoning.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Washington law provides for the selection and summoning of jurors by several different methods. A petit jury is selected randomly by a superior court judge from an annual list of registered voters. A grand jury is selected by the court from the petit jury panel or from a panel of 100 individuals drawn by lot in a manner provided for petit jury panels. A jury of inquest is comprised of six persons summoned by the coroner. In a trial for condemnation of property, if a jury trial is requested but not available, the court may wait until the next regular jury term or direct the sheriff to summon qualified persons to form a jury.

Summary: A uniform jury selection process is provided for all courts and juries of inquest in the State of Washington.

The county auditor is to prepare a list of all registered voters in the county. This list is filed with the superior court at least annually.

Upon receipt of the list of registered voters, the court uses that list as the jury source list and compiles a master jury list that is filed with the county clerk.

The master jury list may be randomly selected from the source list or may be an exact duplicate of the source list. Superior courts are authorized to use any fair and random means to select jurors from the master jury list. Persons selected to serve are summoned by mail or personal service.

The qualifications for jurors are updated and changed. References to "elector and taxpayer" are removed. A one year residency requirement is eliminated, as is a "full possession of faculties" requirement and an ability to read and write English requirement. Instead, a juror must be at least 18, be a citizen of the United States, be a resident of the county in which he or she is to serve, and be able to communicate in English. A convicted felon may not be a juror unless his or her civil rights have been restored.

Employers are required to provide leave of absence time for an employee who has been summoned to jury duty. Employers may not take adverse action against an employee because of the employee's jury duty.

Employers who do not provide leave or who do take adverse action are guilty of a misdemeanor. In addition, an employee whose rights are violated may sue for damages and attorneys' fees.

The office of the administrator for the courts is to study possible expansion of the juror source list beyond the registered voter list. The study is to be completed by January 9, 1989.

Courts of limited jurisdiction may contract with superior courts for jury management services.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	98	0	(House concurred)

Effective: January 1, 1989
March 22, 1988 (Section 19)

SHB 1465**PARTIAL VETO**

C 275 L 88

By Committee on Judiciary (originally sponsored by Representatives Armstrong, Brough, Belcher, Appelwick, Locke, Schmidt and Todd)

Providing for a state-wide child support schedule.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: In 1987 the Legislature established the Washington State Child Support Schedule Commission. The commission is composed of nine members, including two non-custodial parents. The commission was directed to propose a child support schedule after considering several factors. These factors included updated economic data, adjustments for the costs of rearing children of different ages and the need to provide funding for the costs of a child's primary residence.

The commission has made its report and recommended that the Legislature adopt a child support schedule. The commission is scheduled to go out of existence on June 30, 1988.

Under current law a child support order generally may not be modified without showing a substantial change of circumstances. A child support order may be modified without this showing if the order produces a severe economic hardship or the petition to modify the support order would continue support through high school, change the age category for the child or add an automatic adjustment of support provision.

The Washington state support registry is required to administer the state's portion of the federal child support program and to collect and distribute child support paid to the registry.

If a parent accepts public assistance the parent agrees to assign any right to support to the Department of Social and Health Services. The department then has the authority to attempt to collect the support obligation. The department may continue to assist in collecting this support obligation for up to three months after the person stops receiving public assistance. A person may request support enforcement assistance after the three month period elapses.

Summary: The Legislature expresses its intent that a child support order must be adequate to meet a child's basic needs and that child support should be based on the parents' income, assets and standard of living. The child support obligation should be shared equitably between the parents.

One additional non-custodial parent is added to the Washington Child Support Schedule Commission.

The child support schedule adopted by the Washington Child Support Schedule Commission and dated January 26, 1988 is adopted and shall take effect July 1, 1988. Local superior courts may adopt changes to the economic table adopted by the commission. The changes may not vary by more than 25 percent from the commission's table. The table, as it applies to less than \$2,500 combined parental monthly net income, may not be changed. The schedule must be used by all courts and administrative agencies in determining child support. An order of child support must be supported by written findings of fact. All income of the parents must be disclosed and considered by the court in determining the amount of support. Worksheets developed by the commission must be filed in each case. The amount of support determined using the standard calculation in the worksheet must be followed unless the court states specific reasons for deviating from this amount in written findings of fact that are supported by the evidence.

The commission is given continuing responsibility to review the child support schedule in even numbered years and to report to the Legislature on recommended changes in the schedule. If the Legislature recommends no changes in the commission's recommendations, the changes go into effect in July of each odd numbered year. The commission will go out of existence July 1, 1990.

The commission also has authority to develop and adopt worksheets and instructions to be used in child support determinations.

The commission is directed to study and report on methods that may be used to verify the proper expenditure of child support payments. The report must be made to the House Judiciary Committee and the Senate Law and Justice Committee not later than January 10, 1989.

With one exception, a child support order may only be modified upon a showing of a substantial change in circumstances. The Department of Social and Health Services may file an action to modify a child support order for a public assistance recipient if the order is 25 percent or more below the child support schedule. The department is not required to show a substantial change of circumstances. The basis for determining the appropriate modified level of child support is the parents' current income.

The Washington state support registry is required to distribute support payments within eight days of receipt unless circumstances make this impossible. Following the termination of public assistance the department must credit all support payments received to current support before reimbursing the department for public assistance payments. This provision does not apply to support collected through intercepting federal tax refunds.

If a former public assistance recipient requests, the department must continue to collect and enforce the child support obligation. The current three month limitation is eliminated.

The act generally takes effect July 1, 1988. The provision reconstituting the commission and the provision directing the commission to study accounting methods takes effect immediately.

Votes on Final Passage:

House	81	13	
Senate	43	6	(Senate amended)
House	84	10	(House concurred)

Effective: July 1, 1988
March 24, 1988 (Sections 4 and 8)

Partial Veto Summary: The 1987 legislature authorized a party to obtain a modification of child support without having to show a substantial change of circumstances under four specific situations. The bill as it passed the legislature repealed this 1987 change, and would have required a motion to modify child support to be based on a substantial change in circumstances in all cases, except when DSHS petitions to change a support order that is 25 percent below the support schedule. The governor vetoed the repeal of the 1987 changes. (See VETO MESSAGE)

SHB 1469

C 135 L 88

By Committee on Transportation (originally sponsored by Representatives Walk, Betzoff, Patrick, Cantwell and Meyers; by request of Department of Transportation)

Authorizing the department of transportation to exchange land for improvements.

House Committee on Transportation
Senate Committee on Transportation

Background: The Department of Transportation has recently had several opportunities to obtain construction of improvements required for transportation purposes, in exchange for surplus lands owned by the department. Under current law, the department is not authorized to enter into such transactions.

Summary: The Department of Transportation is authorized to accept construction of improvements as payment for surplus lands.

Exchanges must be at fair market value; when construction of an improvement is part of the transaction, the normal competitive bid process must be utilized by the state.

Legislative intent is declared that the Department of Transportation continue its policy giving abutting landowners priority consideration when the department is disposing of surplus property in agricultural areas.

Votes on Final Passage:

House	94	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: June 9, 1988

HB 1470

C 6 L 88

By Representatives Baugher, Schmidt and Walk; by request of Department of Transportation

Regulating tandem-axle vehicles.

House Committee on Transportation
Senate Committee on Transportation

Background: Current law is very restrictive in its definition of what constitutes tandem axles on trucks. They must "oscillate" in order to equalize the load between axles and reduce pavement wear. The conventional wisdom of the late 1950's was that a common pivot point between the two axles provided for

weight equality. Many trucks are now equipped with pneumatic suspension systems that perform as well as suspension systems equipped with an oscillating mechanism in equalizing the weight of the load being carried.

Summary: The definition of "tandem axles" is modified to accommodate a wider variety of technical developments and allow the use of different types of axle suspensions for oversize and overweight vehicles. A maximum variance of 3,000 pounds is allowed between tandem axles. The legal load limitation on tandem axles remains at 34,000 pounds.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: June 9, 1988

HB 1471

C 55 L 88

By Representatives Baugher, Schmidt and Walk; by request of Department of Transportation

Updating tonnage purchase laws.

House Committee on Transportation
Senate Committee on Transportation

Background: The Department of Transportation is authorized to issue permits for vehicles to carry weight greater than the amount for which they are licensed, i.e., 40,000 to 80,000. This is called "additional tonnage" and is available to those trucks or combinations whose axles and spacings meet the requirements of the legal weight table.

Two problems have arisen in the administration of this program: (1) An obsolete technical reference should be changed; and (2) the effective dates of these permits are inconsistent with state licensing practices.

The technical reference is to "proportional registration" which, until last year, was the chapter authorizing the Department of Licensing to maintain prorate information on trucking companies. Most trucking companies operating in several states prorate their fees among the states based on the percentage of miles traveled in each state per year. With enactment of the International Registration Plan (IRP) in 1987 the method by which the prorate system is administered was changed. The reference in the additional tonnage statute needs to be tied to the IRP. Without the change fleets registered under the IRP are not technically eligible to have their fees for additional tonnage prorated.

The second problem is the period for which the annual additional tonnage permit is valid. Under current law, the annual additional tonnage permit is valid for the calendar year. By tying the issuance and renewal of these permits to base jurisdiction's vehicle registration date, and in the case of Washington-based vehicles, the staggered vehicle licensing system, motor vehicle registration, licensed tonnage and additional tonnage would all be effective for the same period of time and would therefore be more convenient for the licensee.

Summary: The additional tonnage statute is amended to allow proration of the fee under the International Registration Plan.

Annual additional tonnage permits for out-of-state vehicles may be issued to coincide with the base jurisdiction's registration year, and in the case of Washington-based vehicles, the staggered licensing system.

A person does not qualify for proration of the quarterly additional tonnage fee unless 60 percent of the vehicle's annual mileage is accrued within the state of Washington. A person with less than 60 percent pro-rate miles may still purchase a quarterly permit, but the full permit fee is charged.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: June 9, 1988

SHB 1472

C 4 L 88

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Baugher, McLean, Nealey, Rayburn, Doty, Grant, Rasmussen, Holm and Todd; by request of Department of Agriculture)

Revising provisions relating to apiaries.

House Committee on Agriculture & Rural Development

Senate Committee on Agriculture

Background: State law grants the Director of Agriculture broad authority to take actions to prevent the introduction or spreading of diseases affecting honey producing bees in this state. Among the authorities of the Director are those for inspecting bees, hives, and appliances; requiring the inspection of bees imported to the state, and seizing and destroying abandoned and

diseased bees or related items. Bees in which the disease American Foulbrood is found are declared by law to be public nuisances and must be abated.

A person who has committed a Class I civil infraction may be assessed a penalty of up to \$250.

Summary: General. State laws governing apiaries (honey producing bees and related hives and appliances) are amended. The "diseases" for which administrative actions may be taken under those laws expressly include infestations by mites. The Director of Agriculture is expressly granted the authority to establish and enforce rules regarding quarantines.

Any apiary that is found to be infected with disease, rather than just those apiaries infected with American Foulbrood, and found to be dangerous to the health of any apiary in the state may be quarantined. The Director may conduct surveys, perform inspections for the out-of-state movement of bees or appliances, and inspect queen bee rearing apiaries. The Director may also, under certain circumstances, perform inspections and investigations on a fee-for-service basis.

The Director may establish the maximum levels of American Foulbrood that would prohibit interstate movement of colonies and may conduct colony strength inspections. The Director may also establish a beekeeper certification program for those whose colony management systems consistently result in only low levels of American Foulbrood.

Nuisances; Abandoned Apiaries. The provisions of current law that declare an apiary infected with American Foulbrood to be a public nuisance and require its abatement are broadened to apply to colonies of Africanized honey bees and to colonies of any hybrids of such bees. They also apply to any abandoned apiary. Provisions are established for the issuance of notices of violations and nuisances. If an owner fails to abate a nuisance within the time specified in the notice, the Department may abate it at the owner's expense. The Director is expressly authorized to seize and destroy an abandoned apiary after taking certain actions to establish the ownership of the apiary.

Importation. A permit is required for the importation of any bees or used apiary appliances. The nature of the certificate regarding diseases required for bees reentering the state after being removed for summer pasture is specified. Nets or other devices are required to prevent the escape of bees from bee colonies during transit. Bees or appliances imported without the required certificates and permits or otherwise in violation of these requirements may be quarantined and inspected at the expense of the apiarist in charge of the colonies.

Penalties. With certain exceptions, the penalties for violations of the apiary laws are altered. Rather than committing crimes punishable as misdemeanors or gross misdemeanors, as under current law, a person who commits a violation has committed a Class I civil infraction. Actions that inflict certain forms of harm on honey bees remain punishable as misdemeanors.

Registration Fees; Apiary Inspection Fund. The registration fee for an apiarist, which may currently be set by the Department solely to cover the expenses of the Apiary Advisory Board, may now be set for other purposes at the request of the industry. Registration fees and service fees are to be deposited in an Apiary Inspection Fund which is not subject to appropriation.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: June 9, 1988

SHB 1473

C 5 L 88

By Committee on Agriculture & Rural Development (originally sponsored by Representatives McLean, Doty, Rasmussen and Holm; by request of Department of Agriculture)

Revising provisions relating to food processors.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: With certain exceptions, the Washington Food Processing Act requires any person who operates a food processing plant or who processes or handles foods to obtain a license annually from the Department of Agriculture. Among the establishments expressly exempted from this requirement of the act are those issued licenses or permits under the 1937 Bakery and Bakery Products Act or under laws governing the manufacture of macaroni products or confections.

Bakeries and distributors of bakery products are licensed and regulated by the Department of Agriculture under the 1937 Bakery and Bakery Products Act. Persons operating macaroni factories and those who distribute macaroni products or sell such products except through fixed retail stores must secure permits under the macaroni products statutes. A person who prepares, processes, manufactures or distributes confection or who sells it at other than fixed retail stores must secure a confectioner's permit from the Department under the state's confections statutes.

Summary: The following are repealed: the 1937 Bakery and Bakery Products Act, the macaroni products statutes, and the confections statutes.

Persons who have secured licenses or permits under the statutes that are repealed are no longer exempted from the licensure requirements of the Washington Food Processing Act.

The annual fee required for a license under the Food Processing Act is increased from \$10 to \$25. The fee for late renewals of licenses under the Act is increased from \$5 to \$15.

Votes on Final Passage:

House	93	0
Senate	49	0

Effective: June 9, 1988

HB 1482

C 148 L 88

By Representatives Rasmussen, Dorn, Winsley, Crane, Holland, Holm, Cooper, Walker, Betrozoff, Rayburn, Scott, Hargrove, Grant, Kremen, Unsoeld, Barnes, Baugher, Doty, Moyer, Wineberry, Anderson, Jesernig, Jones, Brough, Basich, Meyers, Ballard, P. King, May, Taylor, Miller, Spanel, Silver, Ferguson and Butterfield

Revoking or suspending juveniles' drivers licenses for violation of certain drug or alcohol laws.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Juveniles under the age of 18 convicted of driving while intoxicated are, on the first conviction, subject to a suspension of driving privileges for 90 days or until age 19, whichever is longer. A second conviction results in a one year revocation, and a third or subsequent conviction results in a two year revocation.

The Liquor Control Act makes it illegal for a person under the age of 21 to possess, consume, purchase or attempt to purchase alcoholic beverages. The Controlled Substances Act makes it illegal for any person to possess, manufacture or sell controlled substances. The Legend Drug Act makes it illegal for a person to possess, distribute or manufacture prescription drugs without a prescription or without authorization. The Imitation Controlled Substances Act makes it illegal for a person to sell or represent a substance as a controlled substance.

Summary: The driving privileges of a juvenile between the ages of 13 and 18 who is found to have violated

the provisions of the Liquor Control Act, the Controlled Substances Act, the Legend Drug Act or the Imitation Controlled Substances Act will be revoked by the Department of Licensing. The court or juvenile diversion unit must notify the department within 24 hours after the judgment is entered or the diversion agreement is signed. For the first conviction or agreement involving an alcohol or drug offense, the juvenile's privilege to drive will be revoked for one year, or until the juvenile is 17, whichever is later. For a second or subsequent offense the revocation will last until the juvenile is 18 or for one year, whichever is later.

A juvenile who has been found to have committed an alcohol or drug offense by a court may petition the court for reinstatement of his or her driving privileges. The juvenile's privilege to drive may not be reinstated earlier than 90 days after the judgment, for the first offense, or earlier than one year after the judgment for a second or subsequent offense.

If the juvenile signed a diversion agreement, the diversion unit must notify the department when the juvenile completes the agreement. The department may not reinstate the juvenile's driving privileges until 90 days after the agreement was signed for a first offense, or until one year after the agreement was signed for a second or subsequent offense.

Votes on Final Passage:

House	93	4	
Senate	48	0	(Senate amended)
House	90	3	(House concurred)

Effective: June 9, 1988

HB 1492

C 81 L 88

By Representatives H. Sommers and Chandler; by request of Governor Gardner

Revising various boards and commissions.

House Committee on State Government
Senate Committee on Governmental Operations

Background:

Electrical Advisory Board.

The Electrical Advisory Board advises the Director of the Department of Labor and Industries on the regulation of electrical installations, primarily as they relate to the electrical code.

The Board consists of seven members as follows: an electrical utility employee, an installation contractor, a manufacturer of electrical materials, a recognized electrician, a professional engineer, a representative of

the public, and the State Chief Electrical Inspector. All members are appointed by the governor. Members other than the representative of the public and the State Chief Electrical Inspector are appointed from lists of nominees submitted by nonprofit organizations or associations that represent the various businesses within the industry. Members of the Board are not compensated but are reimbursed for travel expenses.

Board of Electrical Examiners.

The Board of Electrical Examiners establishes both general and specialty electrical contractors' licenses, and prepares and administers written examinations to ensure the competence of individuals applying for such licenses. The board also advises the Director of the Department of Labor and Industries on the need for additional electrical inspectors. The board consists of nine members appointed by the governor. Members are compensated at a rate of \$50 per meeting and are reimbursed for travel expenses.

Land Bank Advisory Committee.

The Land Bank Advisory Committee was created to advise the Department of General Administration on the establishment of a State Land Bank. Rules relating to the establishment of the State Land Bank have been adopted and the duties of the committee have been completed. The committee consisted of nine members.

Emergency Management Council.

The Emergency Management Council advises the governor and the Director of Community Development on all matters pertaining to emergency management. The council consists of not less than seven and not more than 15 members appointed by the governor. The members are to include representatives of city and county governments, sheriffs and police chiefs, local emergency management directors, search and rescue volunteers, medical professionals with expertise in emergency medical care, private industry, and local fire chiefs. Members of the Council are not compensated but they are reimbursed for travel expenses.

Transportation of Hazardous Materials Technical Advisory Committee.

The Transportation of Hazardous Materials Technical Advisory Committee advises the Chief of the Washington State Patrol on the development of rules and regulations governing the transportation of hazardous materials. The committee consists of six members appointed by the Chief. Members of the committee represent the petroleum industry, the chemical industry, the trucking industry, the herbicide industry, the pesticide industry, and the Association of Fire Chiefs.

Institute of Forest Resources Advisory Commission.

The Institute of Forest Resources Advisory Commission was established to review, oversee and develop policy relating to the research and educational activities of the Institute of Forest Resources located at the University of Washington. Currently, the eight-member commission does not exist. The duties of the commission are currently being carried out by the Visiting Committee to the College of Forest Resources.

Arts Commission.

The Arts Commission administers a number of programs designed to promote the growth and development of the arts in Washington State. The commission, consisting of 21 members, employs an executive director and other staff as necessary.

Summary: Electrical Board.

The Electrical Advisory Board is renamed the Electrical Board and its membership is increased from seven to 10 members. The Board of Electrical Examiners is abolished and its duties, along with those of the Electrical Advisory Board, are transferred to the new Electrical Board.

The 10-member Electrical Board consists of an electrical utility employee; three licensed electrical contractors, one of whom may represent a trade association in the electrical industry; a manufacturer of electrical materials; three certified electricians; a professional electrical engineer; and a representative of the public with knowledge of the electrical industry. The State Chief Electrical Inspector is removed from the board.

Members of the board are to be appointed by the governor. The existing requirement that the members be appointed from lists of nominees submitted by non-profit associations or organizations is deleted. In appointing the original board, the governor is to give consideration to the value of continuity in membership from the two predecessor boards. Members serve staggered four-year terms. The board is to meet at least quarterly. Members will be compensated at a rate of \$50 per meeting and reimbursed for travel expenses.

Emergency Management Council and the Transportation of Hazardous Materials Technical Advisory Committee.

The Transportation of Hazardous Materials Technical Advisory Committee is abolished and its duties are transferred to the Emergency Management Council. The council advises both the Director of Community Development and the Chief of the Washington State Patrol.

The maximum membership authorized for the Emergency Management Council is expanded from 15 to 17. The council is to include a representative of the Washington State Patrol, and the representatives of

private industry are to include persons with knowledge in the handling and transportation of hazardous materials.

Land Bank Advisory Committee and Institute of Forest Resources Advisory Committee.

The statutory requirements for the Land Bank Advisory Committee and the Institute of Forest Resources Advisory Committee are repealed.

Arts Commission.

The responsibility for appointing the executive director of the Arts Commission is transferred from the commission to the governor. The governor is required to select an executive director by September 1, 1988 from a list of three names submitted by the commission. The executive director serves at the pleasure of the governor.

Votes on Final Passage:

House	95	0	
Senate	48	0	(Senate amended)
House	92	4	(House concurred)

Effective: June 9, 1988
June 30, 1988 (Section 16)

HB 1504

C 29 L 88

By Representatives P. King, Padden and Meyers

Making technical corrections to trust and estate law.

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Current law provides a variety of proceedings for finalizing the distribution of a deceased person's estate. The procedures vary depending on a number of factors. These factors include the size of the estate and whether there is a will that provides for the "testate" distribution of the estate, or no will, which means distribution will follow the inheritance rights provided by statute.

Any person claiming a right to inheritance from a decedent must file a later will or contest the adjudication of intestacy within four months of receiving notice of the entry of the order adjudicating testacy or intestacy and heirship. After four months the order is deemed to be a final decree of distribution. If the person files a petition for administration of the estate with or without a will more than four months after the entry of the order, the finality of the prior adjudications is not affected.

The estate of a decedent with assets of less than \$10,000 may be handled without going through probate. An affidavit must be completed by the person

entitled to the decedent's property. The affidavit must include a statement that the value of the decedent's entire estate does not exceed \$10,000. If the holder of some of the decedent's property receives notice that an inheritance tax report is requested by the inheritance tax division of the Department of Revenue, the holder of the property must retain the property until receiving a release from the inheritance tax division. Because of changes in state tax laws inheritance tax is no longer owed on estates covered by the affidavit procedure.

The decedent's will may authorize the personal representative to probate the will without the intervention of the court. There is some ambiguity as to whether provisions relating to court-supervised probate apply to non-intervention probate.

In a decree of distribution the court must direct that any distribution of \$1,000 or less for the benefit of a minor be paid directly to the person named in the order of distribution without requiring a bond or the appointment of a guardian. If there is a distribution to a minor not covered by the \$1,000 provision, the money must be deposited in a bank account for the benefit of the minor, or property or money may be put under the control of a general guardian. The Uniform Gifts to Minors Act authorizes the legal representative of an estate to transfer funds intended for a minor to an adult member of the minor's family, a guardian of the minor or a trust company as custodian.

The Trust Act of 1984 established a dispute resolution procedure to determine the rights and legal relations concerning any trust or estate. Several other dispute resolution procedures were in existence when the Trust Act of 1984 was enacted. There is some uncertainty as to whether the new procedures superseded the earlier procedures for resolving disputes.

The parties entitled to notice of judicial proceedings involving an estate may agree to have a dispute handled in a nonjudicial proceeding. The agreement must be in writing and follow the statutorily prescribed form. In the judicial proceeding the court may confer additional powers and duties on the personal representative or trustee.

The trustee of an estate may be sued based on contracts transferred to the trust, contracts made by the trustee, and for personal liability incurred by the trustee in the course of administration. The trustee is entitled to the rights of exoneration and reimbursement for torts committed in the course of administering the trust.

A financial institution may pay funds on deposit in the name of the decedent to the personal representative of the estate. The payment may not be made until at least 90 days have elapsed since the date of death

and until the financial institution receives an inheritance tax release from the Department of Revenue.

An interest in real property created in favor of two or more persons is deemed to be an interest in common unless the interest in the property was acquired by a partnership, declared to be a joint tenancy or unless acquired as community property.

Summary: A person who has transferred property to a person entitled to the property under an order of testacy or intestacy and heirship that is deemed to be a final order is released from liability if letters testamentary or for administration are subsequently approved.

The affidavit procedure for handling an estate of \$10,000 or less is made applicable to estates in which the value of the estate is not greater than the homestead. The current homestead amount is \$30,000. No release from any state or local government is required in order to pay to the successor the assets of a decedent's estate subject to the affidavit procedure.

A statutory provision governing court-supervised probate applies to non-intervention probate only to the extent that the statute expressly provides.

The court may order property having a value of \$5,000 or less, which is to be distributed to a minor, be distributed to the person named in the order of distribution. Property may also be distributed pursuant to the Uniform Gifts to Minors Act. Any property not distributed under these two provisions may be deposited with a financial institution or put under the control of a general guardian.

The dispute resolution procedure enacted as part of the Trust Act of 1984 does not supersede the other dispute resolution procedures found in the Probate Code.

Only the parties who have an interest in a dispute and who are entitled to notice of judicial proceedings involving an estate need to agree to a non-judicial dispute resolution process. The parties may agree to confer on the personal representative duties or powers not stated in the will or trust only if they determine that the powers are not inconsistent with the terms of the will or trust.

Before bringing a tort action against a trustee a person must attempt to collect from the trust property.

A financial institution may pay funds on deposit in the name of a decedent after 60 days have elapsed from the decedent's death. If the personal representative provides an affidavit that the estate is not subject to the state estate tax a release from the Department of Revenue is not required. A financial institution is discharged from liability if it transfers funds to the

personal representative in accordance with the statutory provisions.

An interest in real property held in common by a husband and wife is presumed to be community property.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: June 9, 1988

HB 1507

C 103 L 88

By Representatives Appelwick, Taylor, Grimm, Haugen, Holland and Locke; by request of Governor Gardner

Revising the sales and use tax exemptions for food products sold by vendors required to have a worker's permit under RCW 69.06.010.

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

Background: Food sold for human consumption is generally exempt from the retail sales tax. The exemption does not apply to the following: food product sold in an establishment having tables, chairs or counters; a food product sold for immediate consumption on or near the premises even though the food may be packaged or wrapped; a food product sold for consumption within a place having an admission charge; or a food product sold from a vending machine (in which case the tax is levied on 57 percent of the sales).

A delicatessen having eating facilities must charge tax on sandwiches even though they may be sold on a take-out basis. On the other hand, the same sandwich sold from a supermarket not having eating facilities is not subject to tax.

Summary: The sales tax is extended to some prepared food for which retail vendors are required to have a food handler's permit to prepare the item for sale. Included are: sandwiches, prepared chicken or chicken cooked on the premises, delicatessen trays, home delivered pizzas or meals, and salad bars.

Exemptions from the sales tax even though a food handler's permit is required are: raw meat and fish; meat and cheese sliced and wrapped by store employees; baked goods from bakeries that sell only baked goods; baked goods from combination bakeries when not sold as part of meals and bulk foods sold from bins and barrels such as flour, fruits and vegetables.

Votes on Final Passage:

House	71	25	
Senate	28	21	(Senate amended)
House	69	26	(House concurred)

Effective: June 1, 1988

SHB 1511

C 162 L 88

By Committee on Local Government (originally sponsored by Representatives Bumgarner, Haugen, Beck, Ferguson and Braddock)

Amending provisions for water and sewer districts.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: A sewer district or water district is authorized to sell unnecessary property it owns if the Board of Commissioners finds unanimously that the property is not needed by the district. Unnecessary real property cannot be sold for less than 90 percent of its appraised value. The appraised value is established by a written appraisal of three disinterested real estate brokers not more than six months prior to its sale.

Sewer districts are allowed to merge with water districts. When such a merger occurs between two districts, the three members of each of the old boards of commissioners become a six member board of the resulting district. The number of commissioners is reduced over time to three.

The procedure to incorporate a sewer district or water district involves several steps, including: (1) the filing of a petition requesting formation of the district that has been signed by a requisite number of resident voters; (2) review and approval by the Boundary Review Board, if one exists in the county, or otherwise by the county legislative authority, concerning compliance with the appropriate comprehensive plans; (3) approval by the county legislative authority concerning the necessity for the district; and (4) voters approving a ballot proposition authorizing the district.

The County Treasurer acts as the treasurer of a sewer district or water district located within the county. Districts with 2,500 or more customers may appoint their own treasurer, if authorized by the County Treasurer. Such an appointed treasurer possesses the powers of the County Treasurer and County Auditor for the district concerning the creation of funds, issuing warrants, and investing district moneys.

Territory that is adjoining or in the near vicinity to a sewer district or water district can be annexed by the district.

Summary: Sewer districts and water districts are authorized to sell unnecessary real property below 90 percent of its appraised value if a purchaser cannot be found to buy the property for at least 90 percent of its appraised value after 180 days of offering the property for sale. Such a sale below 90 percent of the property's appraised value must be made at a public auction that has been publicized by publication of a notice for three consecutive weeks in a newspaper of general circulation in the district.

A person who serves on the boards of commissioners of a water district and a sewer district, that are merged together, holds only one position on the board of commissioners of the resulting district and may receive compensation and benefits for only a single commissioner.

The county legislative authority can combine the two hearings required on a proposed incorporation of a sewer district or water district in counties without a boundary review board. The existence of a water district or sewer district is validated in counties without a boundary review board, if only one of the two required hearings on the proposal were held by the county legislative authority.

The appointed treasurer of a sewer district or water district with over 2,500 customers possesses the powers of the county treasurer for the district, and those powers of the County Auditor for the district that relate to financial matters.

A sewer district or water district located in a fifth class or smaller county composed entirely of islands may annex any non-adjointing territory in the county.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	93	0	(House concurred)

Effective: March 21, 1988

HB 1514

C 11 L 88

By Representatives Ferguson, Haugen, Sanders, Cooper, Bumgarner and Nutley

Authorizing water districts to fluoridate water supply systems.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Water districts are authorized to provide water for any public or private purpose or use to the inhabitants of the district, any city or town within the district and any persons outside of the district. Water

districts are authorized to regulate and control the use, distribution and price of such water.

Summary: A water district is authorized to control the content of the water that it distributes.

A water district is authorized to fluoridate its water supply system by majority approval of its board of commissioners or to cause a ballot proposition on the fluoridation of the water supply to be submitted to district voters. Such a proposition must be approved by a majority of the voters voting on it to authorize the fluoridation of the water supply.

Votes on Final Passage:

House	94	4
Senate	38	8

Effective: June 9, 1988

HB 1515

PARTIAL VETO

C 288 L 88

By Representatives H. Sommers, B. Williams, Silver, Holland, Brekke, Fuhrman, J. Williams and May; by request of Legislative Budget Committee

Modifying the termination dates of various state agencies.

House Committee on State Government
Senate Committee on Governmental Operations

Background: The Legislative Budget Committee (LBC) was created by the legislature to study and examine state agencies and programs with regard to economy, efficiency, and effectiveness. In carrying out these responsibilities, the LBC conducts management surveys and program reviews, receives program performance reports from state agencies, and has the power to make reports to the legislature and public concerning any of its findings or recommendations.

Between 1988 and 1996, the LBC will be required by statute to complete 41 audits or reviews, most of which are required by Sunset legislation. However, the pending workload is not evenly distributed by year. For example, the LBC has 10 pending reports due in 1988 and only four due in 1990. For a Sunset review, the preliminary LBC report is due one year before the agency is scheduled to terminate.

In addition, agencies that deal with similar issues are not necessarily scheduled for review in the same year, and several of the programs either have recently been reviewed by the LBC or have only been in operation for a short time.

The Washington Committee for Employer Support of the Washington National Guard and Reserve is the state branch of a national organization operated out of the Office of the Secretary of Defense. The purpose of the committee is to coordinate activities, facilitate good relations, and ease tensions between employees who participate in national defense activities and their employers. In Washington the committee works closely with the Military Department and employers.

General Provisions. The Administrative Procedure Act (APA), originally adopted in 1959, provides the mechanism by which state agencies are required to adopt rules and decide contested cases. With a few exceptions, the APA applies to all state agencies, boards, commissions, departments, or officers authorized by law to make rules or decide contested cases. The legislature and the courts are exempted from the APA.

Agencies not required to comply with the APA are the State Militia, the Board of Prison Terms and Paroles, and colleges and universities. The provisions governing contested cases do not apply to the Board of Industrial Insurance Appeals, or the Board of Tax Appeals. Issues relating to suspension, revocation, or denial of driver's licenses are not governed by the contested case provisions. Certain decisions by the Energy Facility Site Evaluation Council are not subject to the APA provisions relating to judicial review. The State Patrol is not subject to the provisions of the APA to the extent of inconsistencies with statutory provisions relating to the State Patrol. Colleges and universities are subject to parallel provisions of administrative procedure set forth in the portions of the code relating to those institutions.

A rule is defined as an order or regulation of general applicability that relates to procedure in agency hearings, to qualifications or requirements in the conduct of any activity, to licenses, to product standards, or the violation of which may result in a penalty. A contested case is a proceeding in which a hearing is required prior to the determination of legal rights, duties, or privileges of specific parties.

Rule adoption procedures. An agency must file a notice of the proposed adoption of a rule with the Code Reviser. The notice must also be given to any person who has requested notice of proposed agency rules and to the Joint Legislative Rules Review Committee. The notice must include a statement of the authority under which the rule is adopted, a statement of the terms or substance of the proposed rule, and the time and place of the hearing on the rule. The agency

must keep a copy of the proposed rule and the statement of purpose submitted to the rules review committee available for public inspection.

The agency must provide an opportunity for interested persons to submit written comments on proposed rules. An oral hearing must be provided if requested by 25 persons, by another governmental entity, or by the rules review committee. If substantial changes are made in the proposed rule after publication, the agency must give new notice before final adoption of the rule. The agency may not take action on the rule earlier than 20 days after the rule is published in the state register. An agency may adopt an emergency rule when it determines this is necessary. An emergency rule may not be in effect for more than 90 days. An agency rule may not be invalidated for failure to comply with procedural requirements more than two years after the rule has been adopted.

For purposes of legislative review, proposed rules must have attached an agency description of the rule's purpose and proposed implementation.

Any interested person may request an agency to adopt, amend, or repeal a rule. Agencies must adopt procedures for handling such requests and within 30 days after a request must either initiate rule making proceedings or deny the petition with reasons stated in writing.

Any person whose legal rights or privileges may be or are threatened by the application of a rule to that person, may petition the Thurston County superior court for a declaratory judgment on the validity of the rule. The court may invalidate a rule on a petition for declaratory judgment only if it is unconstitutional or if the agency lacked authority or violated procedures in adopting the rule.

An agency may, if requested, issue a declaratory ruling on a rule's applicability to any person, property, or state of facts. The agency ruling is subject to judicial review in the same manner as for contested cases.

Contested Cases. An agency must provide at least 20 days notice of a contested case hearing. The notice must state the time and place of hearing, the legal authority for the hearing, and a statement of the matters asserted. All parties are entitled to participate in the hearing. The agency may provide for entry of summary orders if the pleadings show there is no genuine issue of a material fact and that the moving party is entitled to the order as a matter of law. The parties may agree to an informal settlement of the dispute.

Findings of fact in the decision on a contested case must be based on the evidence produced at the hearing and on matters officially noticed. At the hearing all parties have the right of cross examination and may

submit rebuttal evidence. An agency may rely on facts within its specialized knowledge, but must give notice of these facts to the parties. The fact finder shall issue subpoenas on the motion of any party or on motion of the agency. Every decision that is adverse to a party must be made in writing with findings of fact and conclusions of law. Communication between the presiding officer and the parties is not permitted except upon notice to all parties.

Judicial Review. Any person aggrieved by a final agency decision may seek judicial review of the decision. If an agency has invoked a procedure for rehearing or reconsideration, the decision is not final until the procedure is completed. Judicial review may be sought in superior court within 30 days of the final agency decision.

Filing of a petition for review does not stay enforcement of the decision, unless the agency or the court orders a stay based upon other statutory provisions. Judicial review is based on the record of the agency except in cases of alleged irregularities in procedures. The court may take oral argument and receive written briefs.

The court may affirm the agency decision or remand the case for further proceedings. The court may also reverse the decision if substantial rights of the petitioner may have been prejudiced because the agency decision is in violation of constitutional provisions; in excess of statutory authority; follows unlawful procedure; affected by error of law; clearly erroneous in view of the entire record; or arbitrary or capricious.

A superior court may certify a case to the court of appeals for direct review by that court. To be certified for direct review the court must find that the case involves fundamental and urgent issues, delay would be detrimental to a party or the public interest, an appeal will be likely regardless of the superior court outcome, and an appellate decision would have significant precedential value.

Summary: PARTS 1 – 8:

The sunset termination dates for the following commissions, boards and programs are postponed to the dates shown: Asian-American Affairs Commission, June 30, 1996; Human Rights Commission, June 30, 1996; Career Executive Program, June 30, 1993; Nursing Home Advisory Council, June 30, 1991; Emergency Medical Services Committee, June 30, 1991; Center for International Trade in Forest Products, June 30, 1992; International Marketing Program for Agricultural Commodities and Trade, June 30, 1992; Examining Board of Psychology, June 30, 1994.

PART 9:

Members of the Washington Committee for Employer Support of the Guard and Reserve may be appointed to the Washington State Guard to serve as members of a Civil Affairs Unit. The Adjutant General is to determine each member's rank. The purpose of the unit is to assist in the event of mobilization of military forces in the state. State law governing eligibility to serve in the state guard and appointment and promotion of officers would not apply to committee members.

PARTS 10 – 16:

General Provisions. The definition of agency in The Administrative Procedures Act (APA) is modified to include institutions of higher education. In addition to the current exclusion for the judiciary and the legislature, the governor and the attorney general are explicitly excluded from the definition of agency. A new definition of agency action is added that includes the enforcement of a statute, adoption or an agency rule or order, the issuance, grant, or suspension of a license, the imposition of sanctions, or the granting or withholding of benefits. The definition of a rule is modified to exclude higher education rules relating to academic and personal matters and standards of admission.

The APA does not apply to the Board of Clemency and Pardons (the successor of the Board of Prison Terms and Paroles), the Department of Corrections or the Indeterminate Sentencing Review Board with respect to persons under their custody or their jurisdiction, or the state militia. The adjudicative proceedings provisions of the APA do not apply to the Board of Industrial Insurance appeals or to the department of labor and industries if another statute expressly provides for review of department action before the Board of Industrial Insurance Appeals. The adjudicative proceedings provisions do not apply to the State Personnel Board, the Higher Education Personnel Board, the Personnel Appeals Board, or to drivers license actions by the Department of Licensing not involving financial responsibility. Hearings before the Board of Tax Appeals are exempt from the adjudicative proceedings provisions, unless a formal hearing is requested.

The APA encourages settlements and permits conversion of proceedings from one type of proceeding to another more appropriate proceeding. Agencies may vary the time limits imposed by the act under certain circumstances.

Public Access to Agency Rules. In addition to continuing existing provisions relating to the publication of proposed and final rules, new procedures relating to notice of proposed rule making are adopted. Agencies are required to maintain an index and compilation of

agency interpretive or policy statements. The agency must keep a roster of persons interested in the statements and send a copy of each statement to all persons on the roster. A charge may be imposed to cover the cost of providing the statements to persons on the roster. The interpretive and policy statements are not binding on the agency with respect to future action, but agency actions must be consistent with these statements unless there is a fair and rational basis for deviation.

All agency written final orders must be indexed by name and subject. An agency order may not be applied to the detriment of any person who does not have actual notice of the order unless it is indexed. An agency is not required to index correspondence, manuals, and other types of material if to do so would be unduly burdensome.

A person may request an agency to issue a declaratory order as to the applicability of a statute, rule, or order to specified circumstances. An agency may adopt rules providing for the form and contents of the petition and the circumstances in which the agency will not issue declaratory orders. The agency must give notice of the petition to all persons to whom notice is required by law to be given. The agency must take some action on the petition within 30 days. The action may be to initiate proceedings, to issue a declaratory order, or to decline to enter an order. The agency may decline to enter an order for procedural reasons, lack of a controversy, impact on the agency's budget, impact on the public, or any other proper reason.

An agency may adopt rules to set forth principles of law or policy that have been used as the basis of agency decisions in particular cases. Failure to adopt such a rule does not invalidate an agency order or action.

Rule Making Procedures. Agencies are specifically authorized to seek public comment on subjects of possible rules before the rules are formally proposed. Each agency is required to designate a rules coordinator who has knowledge of rules being proposed or prepared within the agency. The rules coordinator shall respond to public inquiries about rules and identify agency employees responsible for the rules. Each agency is required to maintain a rule-making docket of rules being prepared for proposal as well as rules actually proposed.

Agencies must give 20 days notice before any rule making hearing at which the agency will receive public comment. The notice must include: a short explanation of the rule; the legal authority; the text of the rule; an analysis of the expected effects of the rule; and a small business impact statement if required. Institutions of

higher education must also publish notice of proposed rules in the campus newspaper at least seven days before the hearing.

Oral comment must be received by the agency in the rule making proceeding. The hearing shall be recorded in a manner determined by the agency. The presiding officer, if other than the agency head, shall prepare a summary memorandum of the presentations made at the hearing.

A rule must be adopted within 180 days after proposal or it must be republished. If a proposed rule is substantially different from the rule as published, the agency may initiate either new or supplementary rule making proceedings and publish new notice or it may adopt the rule with a description of the changes. Any person who objects to a rule that substantially varies from the proposed rule may petition the agency to reconsider the rule.

An agency may adopt emergency rules if necessary for the public health, safety, or welfare or to comply with federal or state law. The agency must include in the order a statement of the reasons. If the rule is contested, the burden is on the party alleging validity to establish that an emergency existed. An emergency rule is valid for 120 days and may only be adopted one time on an emergency basis, unless the agency establishes changed circumstances or is in the process of adopting a permanent rule.

The agency shall place in the rule-making file a concise explanatory statement of the reasons for adopting the rule and any differences between the proposed rule and the final rule and the reasons for the differences. An interested person, within 30 days of the adoption of a rule, may request the agency to issue a concise statement of the reasons for overruling considerations presented against adoption of the rule.

Rules not adopted in substantial compliance with the act are invalid. A challenge to a rule based on a claim that proper procedures were not followed must be commenced within two years after the rule is adopted.

Any person may petition an agency to adopt a rule. The agency must either initiate rule making proceedings or deny the petition within 60 days.

Adjudicative Proceedings. An agency may commence an adjudicative proceeding at any time. An agency must commence an adjudicative proceeding when required by law or the constitution. An agency must provide a written explanation of a decision not to conduct an adjudicative proceeding. An agency must, within 90 days of an application for an adjudicative proceeding, conduct a brief or emergency proceeding,

initiate an adjudicative proceeding, or deny the application. The agency must notify an applicant for an adjudicatory hearing within 30 days of any deficiencies in the application. If an application for a professional or occupational license discloses grounds for denial of the license, the agency must notify the applicant at least 20 days prior to the examination that the license may be or is denied. Notice of an adjudicatory hearing must be given at least seven days prior to the hearing. Notice must be given to the parties and to any persons asking to intervene.

The presiding officer may be a member of the agency head, any other person authorized by law to conduct the hearing, or an administrative law judge. The presiding officer shall give all parties an opportunity to submit and respond to pleadings, and may permit briefs and proposed findings of fact and conclusions of law. The hearing shall be conducted in public, unless a statute expressly authorizes the hearing to be closed or the presiding officer issues a protective order.

The presiding officer may authorize any person who qualifies under any provisions of law to intervene in the adjudicatory proceeding. The grant of a petition of intervention may be conditioned by the presiding officer and limit the issues on which the intervenor may participate.

The presiding officer shall enter a final order, an initial order, or where an administrative law judge does not decide the case, transmit the record to the agency officials who will enter the final or initial order.

A party may seek to stay enforcement of a final order for 10 days unless a statute or the final order provides otherwise. A denial of a request for a stay is not subject to judicial review.

A party may ask the agency for reconsideration within 10 days. A petition for reconsideration is not a precondition for seeking judicial review. If the agency does not act on the petition for reconsideration within 20 days, it is deemed to have been denied. An agency may use emergency adjudicative proceedings in cases involving immediate danger to the public safety, health, or welfare. The agency must proceed as quickly as possible to complete the proceedings that would be required if an emergency did not exist. If a statute expressly authorizes an agency to issue cease and desist orders, the agency may proceed under that statute.

In cases where there is no statutory prohibition, notice to persons other than parties is not necessary, and the agency has by rule established the types of cases which are appropriate, an agency may dispose of

a matter by a brief adjudicative proceeding. Brief proceedings may not be used in food stamp or public assistance cases. The agency may dispose of a matter by notifying the parties of its view of the matter at issue. The parties may request, or the agency on its own motion, may review an order entered after a brief adjudicative proceeding. The parties must be given an opportunity to present their views.

Judicial Review. A person who seeks judicial review of an agency action must have standing, must have exhausted the administrative remedies available, and must have met the time limits for filing for review. The petition for review of an order must be filed and served on all parties within 30 days of the service of the order. A petition for review of a rule may be filed at any time.

A person has standing to seek review of an agency decision if he or she is aggrieved or adversely affected by the action. A person is aggrieved or adversely affected only if: the agency action is prejudicial to that person; that person's interests are among those the agency was required to consider; and a judgment in the person's favor would substantially eliminate the prejudice to the person.

Unless prohibited by statute, an agency may stay enforcement of a rule or order during judicial review. An agency decision not to grant a stay is not subject to judicial review. An agency decision to grant a stay is subject to review on the grounds of reasonableness.

The court may not generally consider new issues and must confine its review of the facts to the record. The scope of review by the court is modified. The court may grant relief from the agency action only if it finds that a person is substantially prejudiced by: an unconstitutional provision; an agency which has exceeded its statutory authority or its range of discretion; the agency has not decided all the issues; the agency has erroneously interpreted the law; an agency decision is not supported by the evidence; or the agency action is arbitrary or capricious.

An agency may seek to enforce its orders by filing a petition for enforcement in superior court. The court may grant declaratory judgments, temporary or permanent injunctions, or other civil remedies authorized by law. Any person who has standing to obtain judicial review of an agency's failure to enforce an order directed to another person may file a petition for civil enforcement of that order. An action by a person may not be commenced until at least 60 days after the petitioner has given notice of the violation and intent to seek enforcement to the agency, to the attorney general, and to persons against whom enforcement is sought.

Existing provisions governing higher education administrative procedures are repealed.

Parts 10–16 of the act take effect July 1, 1989. The amendments to the administrative procedures act apply to agency actions taken after the effective date.

Votes on Final Passage:

House	87	9	
Senate	49	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	47	0
House	97	0

Effective: June 9, 1988
July 1, 1989 (Sections 18–706)

Partial Veto Summary: The provision is vetoed that would have eliminated the ability of an agency to avoid indexing final orders, opinions and interpretive and policy statements. (See VETO MESSAGE)

SHB 1525

C 244 L 88

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Winsley, Lux, Chandler, P. King, Nutley, Betrozoff, Holland and May)

Changing requirements for debenture companies.

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

Background: Debenture companies are defined by law as those entities that issue securities to be used as capital of the issuer for the purpose of investing, holding or trading in mortgages, property contracts or security agreements. There are no limitations on the nature of or combination of investments that a debenture company may make. The director of the Department of Licensing through the Securities Division is responsible for regulation of debenture companies.

The director may investigate issuers of debt or equity securities for the purpose of determining if there have been violations of the Securities Act.

An acquiring party of a debenture company for purposes of regulating acquisition of the company is a person who obtains control through the purchase of stock.

A debenture company must maintain capital requirements for the debentures that it sells. For up to \$500,000 in debentures, the company must have at

least \$50,000 in paid-in capital. For debentures of \$500,000 to \$750,000, it must have \$75,000 in paid-in capital and for debentures of \$750,000 to \$1 million it must have \$100,000 in paid-in capital. For total debentures of between \$1 and \$10 million, the company must have, in addition, 5 percent paid-in capital for securities in excess of \$1 million. The company must have 2–1/2 percent paid-in capital for securities in excess of \$10 million. The director may waive the capital requirements. If a waiver is granted the company must set aside 5 percent of its profits each year until it can meet the capital requirements.

Debenture companies may not issue certificates in passbook form or in any form that may be withdrawn on demand.

The director may issue a cease and desist order to a debenture company which is violating the statute, a rule or an order of the director. The cease and desist order applies to directors, officers and employees of the company.

There is a \$35 fee for an original registration as a securities salesperson or an investment adviser salesperson under the securities act. The annual renewal fee is \$15.

Summary: In determining whether there have been violations of the securities act the director may examine an issuer of a debt or equity security.

An acquiring party of a debenture company is any person who becomes or attempts to become a controlling person in the company.

The capital requirements for debenture companies are modified. For securities issued up to \$1 million, the company must have a net worth of \$200,000. For securities issued over \$1 million, but less than \$100 million, the company must have an additional net worth of 10 percent of the securities in excess of \$1 million. For securities issued over \$100 million, the company must have an additional net worth 5 percent of the securities over \$100 million. At least one-half of the net worth must be in cash or other liquid assets. If the director waives the net worth requirements the company must increase its net worth in accordance with conditions imposed by the Director.

A debenture company may not issue debentures payable on demand nor that accrue interest beyond the maturity date.

Cease and desist orders may be directed to controlling persons in addition to the officers, directors and employees of a debenture company.

A debenture company may not make equity investments in a single project exceeding 10 percent of its assets or of more than its net worth, and may not

make equity investments, other than in income-producing real property, exceeding 20 percent of its assets. A debenture company may not loan or invest in loans more than 2-1/2 percent of its assets to any one borrower. The director may give written consent for a waiver of these limitations. A debenture company may not have more than 20 percent of its assets in unsecured loans.

Debts of a debenture company that are one year or more past due must be charged off the books of the company unless the debt is secured and in the course of collection or backed by bonds.

A debenture company must notify each debenture holder of the maturity date of that holder's debenture between 45 and 15 days prior to the maturity date. The company shall send an annual report to each debenture holder.

Debenture companies shall keep accounts and records that are prescribed by the director. The director may adopt rules governing examinations, reports and records that must be kept. Examination reports and information obtained in conducting examinations are not subject to public disclosure.

The original application fee for a securities salesperson or an investment adviser salesperson is increased from \$35 to \$40. The renewal application fee is also increased from \$15 to \$20.

Votes on Final Passage:

House	91	0
Senate	48	0

Effective: July 1, 1988

SHB 1530
PARTIAL VETO
 C 267 L 88

By Committee on Health Care (originally sponsored by Representatives Brooks, Braddock, Brough, Cantwell, Sprenkle, Spanel, Wineberry, Day and Miller)

Certifying and registering nursing assistants.

House Committee on Health Care
House Committee on Ways & Means/Appropriations
Senate Committee on Health Care & Corrections

Background: Nursing assistants are health care workers employed in nursing homes who work under the direction and supervision of licensed nurses. Within six months of employment, nursing assistants are required to complete a training program approved by the State Board of Nursing. The minimum curriculum consists

of 25 classroom hours and 50 hours of supervised on-the-job clinical practice.

Nursing assistants are not included under the Uniform Disciplinary Act for the health professions.

The turnover of nursing assistants in nursing homes statewide, as high as 300 percent, and the growing shortage of nurses generally, especially in long-term care, are critical policy concerns.

Summary: Noting the critical shortage and high turnover of nursing assistants in nursing homes, the Legislature declares that nursing assistants should have a formal system of educational and experiential qualifications leading to career mobility and advancement within the nursing profession.

Nursing assistants are required to register with the Department of Licensing in order to practice and use the title "nursing assistant-registered." After January 1, 1990 nursing assistants meeting higher academic qualifications, as determined by the State Board of Nursing, in consultation with the State Board of Practical Nursing may become certified and may use the title "nursing assistant-certified." The State Board of Nursing may define by rule the scope of practice of certified nursing assistants.

Exemptions from registration include other practitioners credentialed by the state, employees of the federal government and regularly enrolled students.

The director of licensing has authority to register and certify applicants, set fees, act as the disciplinary authority under the Uniform Disciplinary Act governing the discipline of those registered or certified, keep official records of all proceedings, and appoint an advisory committee to the department and the State Board of Nursing.

The State Board of Nursing has authority to determine minimum educational requirements and approve registration programs, administer certification examinations and determine applicants' eligibility for examinations for certification, issue certificates by endorsement for out-of-state applicants, and adopt rules for continuing competency.

The director must issue a registration to applicants who submit their identity, address and other background information. After January 1, 1990 the director must issue a certificate to any person who has completed a board-approved educational program, an exam and any board-approved experience requirements. The board must establish by rule the standards for approving and revoking approval of educational programs, which must apply equally to foreign jurisdictions. The board is required to examine each applicant for minimum skills to practice competently.

Applicants may take the examination up to three times.

The director may waive the examination for applicants who apply within one year of the effective date and who possess commonly accepted standards of education and experience. The director may certify applicants from other states without examination if the applicant is credentialed in the other state under standards substantially equivalent to Washington's standards.

The director must establish by rule procedural requirements for registration and certification renewal.

The State Board of Nursing is required to report to the Legislature by January 1, 1989 with proposed standards and procedures for educational programs and alternative training for nursing assistants seeking certification.

Votes on Final Passage:

House	91	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

Effective: June 9, 1988
 January 1, 1990 (Sections 4 and 10)

Partial Veto Summary: Vetoed are provisions that give authority to the State Board of Nursing to determine which states have credentialing requirements equivalent to those in Washington, as well as authority to determine what constitutes adequate proof of meeting criteria for certification. These vetoes are technical in nature as other provisions in the act give identical authority to the Department of Licensing. (See VETO MESSAGE)

HB 1531
 C 17 L 88

By Representatives Silver, H. Sommers, Anderson, Walk, Fuhrman, Chandler, Brough, Sanders, Moyer, K. Wilson, D. Sommers, Betrozoff and Butterfield

Revising the criteria for sunset review and extending the program.

House Committee on State Government
 Senate Committee on Governmental Operations

Background: Sunset Review Criteria – Regulatory Entities. State law sets forth a number of specific factors that are to be considered by the Legislative Budget Committee (LBC) when it conducts a sunset review of a regulatory entity. These factors are as follows:

- o The extent to which the regulatory entity has permitted qualified applicants to serve the public;
- o The extent to which the regulatory entity restricts or inhibits competition or otherwise adversely affects the state's economic climate;
- o The extent to which the system of regulation has contributed directly or indirectly to increasing or decreasing the costs of any goods or services involved;
- o The duties of the regulatory entity and the costs incurred in carrying out such duties;
- o Whether the regulatory entity has operated in the public interest, including the extent to which the regulatory entity has: (a) sought public participation in rule and decision making activities, (b) handled complaints in an efficient manner, (c) effectively evaluated its impact on the public, (d) initiated administrative procedures or legislative activities that would benefit the public, and (e) identified the needs and problems of the recipients of goods and services provided by those regulated;
- o The extent to which persons regulated by the regulatory entity have been encouraged to participate in assessing problems in their profession, occupation or industry that affect the public;
- o The impact and effectiveness of the regulatory entity with respect to the problems or needs the entity was intended to address;
- o The consequences of eliminating or modifying the program of the regulatory entity;
- o The extent to which the regulatory entity duplicates the activities of other regulatory entities or of the private sector, where appropriate; and
- o The extent to which the absence or modification of regulation would adversely affect the public health, safety or welfare.

HB 1531

Sunset Act – Expiration Date. The Sunset Act, first established in 1977, is scheduled to expire on June 30, 1990 unless the Legislature extends it for an additional period of time.

Summary: Sunset Review Criteria Modified – Regulatory Entities. Eight of the 10 existing review criteria are deleted and replaced with the following, more general, review criteria:

- o The extent to which the regulatory entity has operated in the public interest and fulfilled its statutory obligations;
- o The duties of the regulatory entity and the costs incurred in carrying out those duties;
- o The extent to which the regulatory entity is operating in an efficient, effective, and economical manner; and
- o The extent to which the regulatory entity inhibits competition or otherwise adversely affects the state's economic climate.

The existing requirement that the Legislative Budget Committee (LBC) consider the extent to which the absence or modification of the regulatory activity would adversely affect the public is expanded to include consideration of whether the absence or modification of the activity would have either no effect or a positive affect on the public.

Sunset Act – Expiration Date Extended. The Sunset Act is extended until June 30, 2000 at which time it is to expire unless extended again by the Legislature.

Votes on Final Passage:

House 98 0
Senate 47 0

Effective: June 9, 1988

HB 1543

C 111 L 88

By Representatives Cantwell, Brooks, Day, Vekich, D. Sommers, Braddock, Bristow, Lux, P. King, Sprenkle, Meyers and Lewis

Eliminating the requirement of a practical examination for recertification of emergency medical technicians if other requirements are met.

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

Background: The Department of Social and Health Services licenses emergency medical services and vehicles, and certifies Emergency Medical Technicians (EMTs) and First Responders. To be certified, EMTs and First Responders must take a written and practical examination. EMTs and First Responders may apply for re-certification every three years upon successfully passing another written and practical examination. These persons are required to have at least 30 hours of continuing education over a three-year period.

Summary: An emergency medical technician is not required to take the practical examination for re-certification if the applicant received a passing grade on the state written examination, and completed an ongoing training and evaluation program approved under rules of the Department of Social and Health Services.

Votes on Final Passage:

House 97 0
Senate 49 0 (Senate amended)
House 93 0 (House concurred)

Effective: June 9, 1988

HB 1558

C 116 L 88

By Representatives Sayan and Grimm; by request of Department of Retirement Systems

Revising provisions relating to teachers' retirement options.

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

Background: A member of the Teachers' Retirement System Plan I is eligible to receive a service retirement allowance equal to 2 percent of his or her average final compensation multiplied by the number of years of service. Average final compensation is figured over the two highest consecutive years of employment. Members receive this maximum retirement allowance throughout life unless they chose one of four actuarially equivalent options. These options include the following:

Option 1. If a member dies before receiving the present value of their accumulated contributions at the time of retirement, the unpaid balance is paid to the member's estate or person designated by the member.

Option 2. The member receives a reduced retirement allowance that upon his or her death is continued throughout the life of, and is paid to, the person designated by the member.

Option 3. The member receives a reduced retirement allowance that upon his or her death is reduced by one half and continued throughout the life of, and paid to, the person designated by the member.

Option 4. Members may add an annual cost-of-living-adjustment (COLA) to the retirement allowance provided by any of the first three options. The COLA, indexed to the Consumer Price Index (Seattle), may not exceed 3 percent. The cost of the COLA is offset by making an actuarial reduction in the amount of the member's retirement allowance. The COLA option, enacted in 1987, may not be applied to the maximum retirement allowance.

Summary: The cost-of-living-adjustment (COLA) option available to members of Teachers' Retirement System Plan I may be applied to the maximum retirement allowance. The calculated retirement allowance with the COLA must be actuarially equivalent to the maximum retirement allowance.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: June 30, 1988

HB 1559

C 117 L 88

By Representatives Sayan and Grimm; by request of Department of Retirement Systems

Providing for termination of membership in the teachers' retirement system.

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

Background: When Plan II of the Teachers' Retirement System (TRS) was enacted in 1977 no provision was made for termination of membership from the system. While withdrawal of contributions terminates benefits, it does not terminate membership. As a consequence, a Plan II member who separates from service and withdraws his or her contributions and later returns to substitute teaching must make contributions because of continued membership in the plan.

Legislation enacted in 1986 provided that employee or employer contributions are not required for any month in which service credit is not earned. Substitute teachers who do not earn service credit may withdraw any contribution made for the month. This creates a cycle of contributions and withdrawals.

Under the Federal Tax Reform Act of 1986 a 10 percent tax penalty is levied on most refunds made to an employee who is under age 59 1/2.

To establish membership in TRS Plan I a minimum of 90 days or the equivalent of 90 days of employment during a fiscal year is required.

Summary: Teachers' Retirement System Plan II membership is terminated when a member has separated from service and contributions are withdrawn. Former members may reestablish membership under the criteria used to establish Plan I membership.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: July 1, 1988

HB 1560

C 59 L 88

By Representatives Sayan and Grimm; by request of Department of Retirement Systems

Modifying public retirement benefits for persons who have attained age seventy and one-half and are still employed.

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

Background: The Federal Tax Reform Act of 1986 includes a provision requiring a person to begin receiving all pension and retirement benefits no later than April 1 of the year following the year in which individual reaches age 70 1/2. The requirement applies even if the individual is still employed. Individuals who do not begin receiving their pension benefits by the required age are subject to a 50 percent tax on the amount that would have been paid if the person had retired.

Summary: Members of the Judicial, Judges, Law Enforcement Officers and Firefighters, Teachers, Public Employees and State Patrol Retirement Systems with five or more years of service and age 70 1/2 may apply for their retirement benefit. The benefit is calculated in accordance with the rules of the system to which the member belongs, except that the member may continue to be employed. During employment the member will make contributions to the system and receive service credit. When the member separates from service his or her benefit will be recalculated taking into consideration the additional service credit and compensation. The act applies only to persons who attain age 70 1/2 on or after January 1, 1988.

HB 1560

Votes on Final Passage:

House 96 0

Senate 46 0

Effective: January 1, 1989

SHB 1562

C 136 L 88

By Committee on Natural Resources (originally sponsored by Representatives Basich, Beck and Sanders)

Exempting materials valued below a certain amount sold from public lands from auction sale requirements.

House Committee on Natural Resources
Senate Committee on Environment & Natural Resources

Background: When the Department of Natural Resources (DNR) sells timber and other natural resources from state lands, current law prescribes different procedural requirements depending on the appraised value of the natural resource being sold.

Valuable materials with an appraised value of \$20,000 or more must be sold either at public auction or by sealed bid with a four-week public notice period, and must be sold in accordance with other terms prescribed by law. Valuable materials with an appraised value between \$1,000 and \$20,000 must be sold at public auction with a 10-day public notice period, and other terms may be established by the DNR. Materials appraised for \$1,000 or less may be sold directly to the applicant without public notice. While the first two categories of sales refer to "valuable materials," sales for \$1,000 or less are limited by statute to specified materials (timber, fallen timber, stone, gravel, sand, fill material, or building stone).

Occasionally, citizens have requested to purchase small quantities of materials with an appraised value of \$1,000 or less that are not listed in the statute, such as shrubs and mushrooms. Under current law, DNR is not able to sell the material to them without public notice and a competitive bidding process.

The definition of a "valuable material" is any product or material on state lands, including forest products, forage or agricultural crops, stone, gravel, peat, and all other materials of value except mineral, coal, petroleum, and gas.

Summary: In addition to timber, fallen timber, stone, gravel, sand, fill material, and building stone, the Department of Natural Resources may sell other valuable material at its appraised value from state-owned lands without public notice or a competitive bidding

process if the appraised value of the material is \$1,000 or less.

Votes on Final Passage:

House 95 0

Senate 46 1

Effective: June 9, 1988

2SHB 1565

C 163 L 88

By Committee on Ways & Means Appropriations (originally sponsored by Representatives Brekke, Winsley, H. Sommers, Silver, Moyer, Braddock, Sutherland, Hine, May, D. Sommers and Butterfield; by request of Department of Social and Health Services)

Revising provisions on alcoholism and drug addiction treatment.

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

Background: In 1987, the Washington Legislature enacted the Alcoholism and Drug Addiction Treatment and Support Act. The purpose of the act was to remove persons disabled because of alcoholism and/or drug addiction from the General Assistance Unemployable (GA-U) program and to establish a new program providing treatment and shelter that would more appropriately meet these client's special needs. In addition, it was anticipated that this population's rapidly increasing caseload would be reduced if cash allowances were not given directly to clients.

The new program was implemented in July 1987. In October and November 1987, the Department of Social and Health Services was enjoined from using dormitory-type settings as shelter for clients not participating in the treatment portion of the program. The department must allow these clients to choose their own shelter. The court's injunction also prohibits the department from requiring inpatient treatment as a precursor to outpatient treatment in all cases.

Summary: Shelter as an essential service is deleted as a goal of the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA). The act clarifies that, to the extent possible, existing emergency shelter beds may not be displaced by activities under ADATSA and that empty ADATSA-contracted beds may be made available temporarily to homeless individuals. The ADATSA eligibility standards are amended to exclude the General Assistance Unemployable (GA-

U) medical criteria and medical improvement standard and to allow ADATSA treatment for other federally eligible recipients of GA-U.

The living allowance for clients in outpatient treatment may not be used for shelter in dormitory settings that does not require sobriety as a condition of residence. Clients whose treatment is pending may be provided shelter and may choose to receive shelter services through a protective payee. The department must adopt rules determining the amount of cash that may be issued by the protective payee. For one year, clients who fail to appear for treatment are ineligible for these waiting period benefits. Patients in the treatment portion of the program may be required to complete inpatient and recovery house treatment prior to receiving outpatient treatment.

Shelter is defined as a facility under contract to the department that provides room and board in a supervised living arrangement, normally in a group or dormitory setting, including facilities operated by public or private agencies. Shelters may not allow the consumption of alcohol on the premises. Where group or dormitory settings are unavailable or unfeasible to develop, shelter may be provided through protective payees.

General Assistance-Unemployable recipients who have been continuously eligible for GA-U since July 25, 1987, and who transfer to the ADATSA program may remain in their present living arrangement but only through a protective payee option.

A pilot project is established to test the effectiveness of the protective payee option in preventing the diversion of cash assistance for the purchase of drugs or alcohol. A report on the pilot project results must be made by December 1, 1989. The pilot project is terminated July 1, 1990, unless extended by law.

By January 5, 1989, the department is required to report on the ADATSA program including the number of people receiving assessment, treatment, and shelter services; the number of contracted shelter beds; and the movement of clients from the General Assistance-Unemployable program to ADATSA.

Votes on Final Passage:

House	93	0	
Senate	47	0	(Senate amended)
Senate	44	0	(Senate receded)
House	94	0	

Effective: March 21, 1988

SHB 1568

C 251 L 88

By Committee on Education (originally sponsored by Representatives Todd, Leonard, Crane, Pruitt and Ebersole)

Including school administrators in the excellence in education program.

House Committee on Education
Senate Committee on Education

Background: In 1986, the Legislature created the Washington Awards for Excellence in Education Program to recognize teachers, principals, superintendents and school boards across the state for their contribution, leadership, and commitment to education. The selected teachers and principals could elect to receive a grant of \$1,000 or a tuition waiver and stipend of \$1,000. There was no provision allowing the award to be given to school administrators who are not principals or superintendents.

In 1987, the Legislature mandated that a student must demonstrate competency in basic skills by taking and achieving a minimum score on the Washington Precollege Test as a condition of admission to a teacher preparation program. The Washington Precollege Test is usually given to juniors in high school. No provisions for waiving this requirement were created. Consequently, admissions officers were forced to require persons seeking admission to a teacher preparation program to take the Washington Precollege Test even though the applicant had successfully completed college coursework and had received a baccalaureate degree or a graduate degree.

Summary: In addition to teachers and principals, educational staff associates and administrators may be given the Washington Awards for Excellence in Education.

The requirement that an applicant, for admissions to a teacher preparation program, must demonstrate competency in the basic skills of reading, writing and speaking, is waived if the individual holds a baccalaureate degree; holds a graduate degree; or has completed two years of college level coursework, has demonstrated competency through coursework and a written essay, and is over the age of 21.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House			(House concurred in part)
Senate	49	0	(Senate receded)
House	96	0	

Effective: June 9, 1988

HB 1581

C 166 L 88

By Representatives Nelson, Miller, Todd, Barnes, Gallagher, Hankins, Jacobsen, Meyers, May, Brooks, Jesernig, Armstrong, Sutherland, Unsoeld, S. Wilson, Day and Dorn

Permitting banded rate tariffs for natural gas and electric services.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: Washington statute law does not authorize the Utilities and Transportation Commission to use "banded rates" in its regulation of regulated natural gas companies and electric utilities. Generally, under the concept of "banded rates" a regulated entity is permitted to charge a rate that does not exceed a minimum or maximum amount. The concept is recognized as a method to reduce regulatory costs and to provide for flexibility in rate making and utility pricing.

Summary: Upon request by a regulated natural gas company or regulated electric utility, the Utilities and Transportation Commission may approve a tariff that includes banded rates for non-residential service that is subject to effective competition from an energy supplier not regulated by the commission. The commission may require advance notice of rate changes within an approved band.

Votes on Final Passage:

House 97 1
Senate 47 0

Effective: March 21, 1988

HB 1585

PARTIAL VETO

C 232 L 88

By Representatives Leonard, Anderson, Crane, P. King, O'Brien and Rust

Revising provisions for juvenile dependency proceedings.

House Committee on Human Services
Senate Committee on Children & Family Services

Background: In juvenile dependency proceedings, both the parent and the Department of Social and Health Services generally have attorneys to represent their

interests. The child, however, does not have a mandated representative. Washington's county-based voluntary guardian ad litem system provides such a representative, who advocates solely for the best interests of the child. The dependency statutes allow, but do not require, the court to appoint a guardian ad litem or an attorney for a child who is a party to any dependency proceedings.

The Washington State Code Review Panel recommended that mandatory guardians ad litem be appointed to represent the interests of the child in dependency proceedings.

Summary: The dependency and child abuse and neglect statutes are amended to require that a guardian ad litem be appointed in all contested proceedings under the dependency laws unless the court finds good cause not to appoint such a representative. The court may appoint a guardian ad litem in uncontested proceedings at its discretion. Representation of the child by legal counsel meets the requirement of appointing a guardian ad litem in contested dependency proceedings.

In judicial districts with family law commissioners, commissioners are authorized to hear and act on dependency proceedings in the same manner as duly authorized juvenile court judges.

Votes on Final Passage:

House 97 0
Senate 48 0 (Senate amended)
House (House refused to concur)

Free Conference Committee

Senate 48 0
House 97 0

Effective: June 9, 1988

Partial Veto Summary: A section is vetoed that would have allowed some judicial discretion in appointment of a guardian ad litem. This veto has the effect of retaining existing law. (See VETO MESSAGE)

SHB 1586

C 194 L 88

By Committee on Human Services (originally sponsored by Representatives Jones, Brekke, Anderson, Crane, P. King and Rust)

Revising rules for dependency proceedings.

House Committee on Human Services
Senate Committee on Children & Family Services

Background: After a fact-finding hearing has been held on a dependency petition, the court determines

whether the child should be removed from the home. If the child will be removed from the home, the agency charged with the child's care must submit a plan identifying the location of placement, describing actions to be taken to reunify the family, and listing the services to be provided to the family and the child. No specific goal is enumerated nor is a timeline specified for the service plan. All dependency cases are required to undergo a six months review to determine the need for continued court supervision.

The hearing on a dependency petition must be held within 45 days of filing. This statutory deadline is not always met.

There is no time limit on the length of dependency. Dependency cases that continue longer than necessary are believed to increase the risk of multiple placements, causing long-term psychological damage to the child.

The Washington State Code Review Panel recommended several changes in the dependency process to ensure that the best interests of the child are considered and that definitive permanency plans, timelines and maximum time frames are established.

Summary: Achieving permanence for the child must be a goal of the agency plans submitted when the court finds that a child should be removed from the home. Specific time limits and parental requirements must be included in the service plan submitted by the agency. The mandatory six months review of dependency will include findings on the completion of the agency service/disposition plan and, as necessary, will revise the time limits.

The time frame for hearing a dependency petition is amended to require the hearing within 75 days of filing unless exceptional reasons for a continuance exist. The burden of proving exceptional circumstances is on the party requesting the continuance. Exceptional circumstances must be proved by a preponderance of the evidence. Dependency petition hearings must be scheduled on an expedited basis.

A two year maximum time limit for dependency is established. After two years, the court must: approve a permanent plan of care that includes adoption, guardianship or placement in the parental home; require that a termination of parental rights petition be filed; or dismiss the dependency unless good cause exists for its continuance, which must be proven by clear, cogent and convincing evidence.

Votes on Final Passage:

House	98	0	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

Effective: June 9, 1988

HB 1588

C 201 L 88

By Representatives Anderson, Winsley, Brekke, Leonard, Jacobsen, Cole, Crane and Rust

Revising certain procedures governing dependency proceedings.

House Committee on Human Services
Senate Committee on Children & Family Services

Background: Washington law governing dependency and termination of parental rights proceedings does not specify who may file a termination of parental rights petition. The termination petition is filed after the child has been found dependent. Any person may file a dependency petition.

When a petition for dependency has been filed, the parent, legal guardian or custodian of the child is issued a summons to appear in court for the dependency proceedings. When that summons cannot be delivered through personal service, service by publication is authorized.

The Washington State Code Review Panel recommended two housekeeping changes to the dependency statute to clarify who may file a termination petition and to change the requirements for publishing a summons to appear in a dependency proceeding.

Summary: A termination of parental rights petition may be filed by any party to a dependency proceeding.

A summons to appear in a dependency action may be published simultaneously with efforts to provide personal service or service by mail when there is reason to believe that personal service or service by mail will be unsuccessful.

Votes on Final Passage:

House	98	0	
Senate	43	5	(Senate amended)
House	96	0	(House concurred)

Effective: June 9, 1988

SHB 1592

PARTIAL VETO

C 271 L 88

By Committee on Commerce & Labor (originally sponsored by Representatives Sayan, Cole, O'Brien, Patrick, Walker, Jones, Wineberry, R. King, Winsley,

Valle, Jacobsen, Wang, Basich, Fisher, Pruitt, Lux and Unsoeld)

Authorizing workers' compensation for workers with asbestos-related diseases.

House Committee on Commerce & Labor
Senate Committee on Economic Development & Labor

Background: Compensation In Asbestos-Related Occupational Disease. Workers who contract asbestos-related occupational diseases frequently have work histories indicating exposure to asbestos in several different employments. These employments may be covered for workers' compensation purposes under more than one jurisdiction, such as the Washington industrial insurance law or the federal Longshore and Harbor Workers' Compensation Act. If a dispute arises over which jurisdiction is responsible for coverage, a worker's claim may not be accepted by either jurisdiction until the liability question is settled. If the Washington state fund determines that another insurer is liable to the claimant, the fund is not authorized to pay benefits on the claim.

Compensation for an occupational disease claim is based on the payment schedule that was in effect at the time the worker contracted the disease or was last exposed to injurious substances. For many occupational diseases the disease does not manifest itself for many years after the date the worker was last exposed to the injurious substance.

Asbestos Abatement Projects. In 1985 a state program was enacted for training and certifying workers who are employed on asbestos projects. These provisions are administered by the Department of Labor and Industries under the Washington Industrial Safety and Health Act. The federal Asbestos Hazard Emergency Response Act of 1986 and related Environmental Protection Agency rules specify a worker accreditation plan that differs in some respects from the Washington certification program. Federal law requires states to adopt accreditation plans at least as stringent as the federal model.

Summary: Compensation In Asbestos-Related Occupational Disease. From July 1, 1988 until July 1, 1993 the Department of Labor and Industries is directed to pay industrial insurance benefits to any worker or beneficiary who may have a claim under the federal maritime laws because of asbestos-related disease if (1) there are objective clinical findings to substantiate a claim for asbestos-related occupational disease, and (2) the worker's employment history shows injurious exposure to asbestos while working in employment

covered under state law. The department will make a determination of insurer liability and will pay benefits until the liable insurer begins payments or benefits are otherwise properly terminated.

Benefits will be paid from the medical aid fund with the state fund and the self-insured employers each paying a prorata share. Employees of the self-insurers will pay one-half of the share charged to self-insurers.

If the department determines that the liable insurer is the state fund or a self-insured employer, the medical aid fund must be immediately reimbursed for costs and benefits paid to the claimant. If the department determines that benefits are owed to the claimant by a federal program or by an insurer under the federal maritime laws, the department is authorized to pursue the federal insurer on behalf of the claimant to recover the benefits due and, on its own behalf, to recover costs and benefits paid. The department may not pursue recovery of benefits from the claimant unless the claimant receives recovery under the federal claim in addition to any benefits under the state claim. The director may waive the recovery of benefits from the worker or beneficiary if recovery would be against equity and good conscience.

The provisions authorizing benefits do not apply if the worker or beneficiary refuses to assist the department in making a coverage determination. If the worker or beneficiary fails to provide relevant information or if the worker refuses to submit to medical examination or fails to cooperate with an examination, the department is directed to reject the claim application. Information obtained by the department for determination of coverage is not subject to release by subpoena or other legal process.

In any third party recovery by the worker or beneficiary, the department has a lien to the full extent that the medical aid fund has not been otherwise reimbursed by another insurer. The department is not required to participate in the costs incurred in bringing the third party suit if the benefits are owed by a federal insurer.

The rate of compensation for occupational disease claims filed on or after July 1, 1988 is established as of the date the disease requires medical treatment or becomes disabling, whichever occurs first, without regard to the date on which the disease was contracted or the date the claim was filed.

The asbestos claim program applies to all claims filed on or after July 1, 1988 and all claims pending a final determination on that date. The program terminates July 1, 1993. The department will report to the appropriate Legislative committees on the program at the beginning of the 1993 legislative session.

Asbestos Abatement Projects. Beginning January 1, 1989 the following changes are made in the requirements for asbestos abatement projects. Work on an asbestos project may not be performed except under the supervision of a certified asbestos supervisor. Contractors must also have an asbestos contractor's certificate. Examinations are required for certified workers and supervisors. Certificates may be suspended or revoked if obtained through error or fraud or if the holder is found incompetent to perform the work.

Any owner who authorizes a project that has a reasonable possibility of releasing asbestos into the air must perform a good faith inspection to determine whether the proposed project will release any asbestos. An inspection is not required if the owner is reasonably certain that asbestos will not be disturbed or if the owner assumes that asbestos will be disturbed and takes the required precautions. A written inspection report or a statement of the asbestos condition must be given to the employees and be included in the required asbestos project notice.

Any owner who begins an asbestos project without (1) first conducting the inspection and submitting an inspection report or statement, and (2) submitting a description of the project with the project notice is subject to a mandatory fine of not less than \$250 for each violation. In addition, the project must be halted. Any contractor who begins an asbestos project without receiving a copy of the inspection report or project statement is subject to a mandatory fine of not less than \$250 per day. The contractor's certificate must be revoked for not less than six months if he or she knowingly violates any provision of the act.

A safety conference is required for all asbestos projects before work is commenced. The conference must include representatives of the owner, contractor, employer and employees. Minutes of the safety meetings must be kept.

Employees may not be discriminated against for notifying the department of activities that he or she reasonably believes violate the act.

An asbestos account is established as of March 24, 1988 to be funded from fees for certification and administration of examinations. The \$500,000 appropriation from the accident fund must be repaid from the asbestos account.

Votes on Final Passage:

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

Effective: July 1, 1988 (Sections 1-4)
January 1, 1989 (Sections 6-14, 16 and

17)

March 24, 1988 (Sections 15 and 18)

Partial Veto Summary: Four sections of the bill are vetoed. One section, already enacted in other legislation, would have established a new method of calculating the compensation rate for occupational disease. Other vetoed sections would have required safety meetings for asbestos projects, inventories of buildings to identify asbestos and annual refresher courses for recertification of asbestos workers. (See VETO MESSAGE)

SHB 1594

C 45 L 88

By Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Sutherland, Vekich, R. King, Dellwo, Todd and Rasmussen; by request of Governor Gardner)

Providing for a water use efficiency study.

House Committee on Agriculture & Rural Development

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

Background: In 1977, the Legislature authorized the issuance of \$18 million in bonds for water supply facilities required to respond to a drought that was forecast to occur that year. The monies from the sale of the bonds were deposited in the Emergency Water Projects Revolving Account and were appropriated to the Department of Ecology for agricultural water supply and distribution projects.

Summary: A committee is created and directed to conduct a comprehensive study of water use efficiency and to evaluate means of achieving water use efficiency improvements. Among the activities to be included in the study are: a review of initiatives in other states; an identification of existing disincentives and potential incentives for improving efficiency in water use; an estimation of the potential water savings and the costs of implementing various alternatives for improving water use efficiency; and recommendations for a public education program concerning the efficient use of water. No aspect of the study may authorize any interference with existing water rights. The statutes creating the Emergency Water Projects Revolving Account are amended to permit the use of funds from the account for conducting such a study.

The study committee is made up of 20 voting members. Eight of these are state legislators and 12 are

SHB 1594

persons appointed by the governor to represent various water user groups. Representatives of the governor's office and six state agencies are nonvoting members of the committee. The representative of the governor's office must convene the initial committee meeting and preside until a chair is chosen from among the voting members of the committee. The members serve without compensation but are to be reimbursed for their travel expenses.

The Department of Ecology must provide staff support for the committee in consultation with Washington State University's Water Research Center. The committee must conduct public meetings concerning the study and its findings and must submit a final report to the Legislature by December 31, 1988. The committee is terminated on December 31, 1988. The provisions of the bill establishing the study and related reporting requirements expire on June 30, 1989.

Votes on Final Passage:

House	94	0	
Senate	37	5	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	48	0
House	97	0

Effective: June 9, 1988

SHB 1612

C 74 L 88

By Committee on Transportation (originally sponsored by Representatives Todd, Sayan, Belcher, Valle, Crane, Winsley, Lux, B. Williams, Walk, Barnes, Leonard, Gallagher, Lewis and Ferguson)

Prescribing penalties for failure to post disabled parking signs.

House Committee on Transportation
Senate Committee on Transportation

Background: In 1976 the Washington State Building Code Council adopted minimum standards to accommodate disabled persons in new or substantially remodeled public and private facilities. Current state law does not conform to these standards.

These minimum standards include the number of handicapped parking spaces that must be installed, and the size, design and placement of the handicapped parking signs.

According to the 1987 edition of the Barrier-Free Code issued by the council, the signs must: (1) be

three to five feet off the ground, (2) display the international symbol of access, (3) be white on a blue background, and (4) contain the words "State disabled parking permit required." The Code also uses the term "disabled" person rather than "physically disabled" person.

Summary: State law is updated to conform with the State Building Code Council's disabled parking sign specifications, with the exception that the maximum allowable height of the sign is raised from five to seven feet to provide enhanced visibility.

Failure to post a sign is a class 4 civil action punishable by a fine of \$25, plus assessments (\$47 total) for each required parking space.

Votes on Final Passage:

House	96	1	
Senate	49	0	(Senate amended)
House	93	0	(House concurred)

Effective: June 9, 1988

HB 1616

C 79 L 88

By Representatives Sprengle, Ballard, K. Wilson, Sutherland, Jones, Vekich, Miller, Haugen, Basich, O'Brien, Sayan, Spanel and Unsoeld

Authorizing purchase of certain state trust lands for parks use.

House Committee on Natural Resources
Senate Committee on Environment & Natural Resources and Ways & Means

Background: Since 1981 the Legislature has three times authorized the Department of Natural Resources (DNR) to sell property to the State Parks and Recreation Commission. Thirty-six parcels of land are currently under contract. Purchase prices are based on the fair market value of the land and timber, with a market interest rate applied to the unpaid balance.

The commission pays about \$3 million a biennium to DNR in principal and interest. By the late 1990's the commission will have obtained title to all the land and timber on the 36 parcels currently under contract.

In order to maintain the trust land base DNR will use the funds from the land sales to obtain replacement property. While subject to the Budget and Accounting Act, DNR does not need a legislative appropriation to spend money for acquiring replacement property. Expenditures need the authorization of the Board of Natural Resources.

When the 1985 Legislature authorized DNR to sell five parcels to the Parks and Recreation Commission, it directed the two agencies to review trust lands to identify parcels that may be appropriate for acquisition by the commission. The study identified 22 parcels totalling 6,626 acres. Estimated value of both the land and timber is approximately \$15 million. The Legislature authorized sale of seven of the 22 parcels in 1987.

Summary: The Board of Natural Resources and the Parks and Recreation Commission will negotiate the sale of 15 parcels of land managed by the Department of Natural Resources (DNR). These parcels were identified in a joint study authorized in 1985. The parcels cover about 5,600 acres.

Funds for acquisition will come from the Trust Land Purchase Account. This account obtains its funding from state park entrance fees.

DNR shall use the funds from the Trust Land Purchase Account to acquire property to replace the property sold to the Parks and Recreation Commission.

Adding new property to the existing list of land scheduled for acquisition from DNR by the State Parks and Recreation Commission delays income to various trust accounts. In recognition of the impact on management the Board of Natural Resources and Parks and Recreation Commission shall prepare a report to the Legislature on methods to accelerate reimbursement to the trusts. The report is due no later than December 15, 1988.

Votes on Final Passage:

House	95	0
Senate	47	0

Effective: June 9, 1988

SHB 1617

C 169 L 88

By Committee on Judiciary (originally sponsored by Representatives Locke, Holland, Armstrong, Padden, Hine, Lewis, Belcher, Silver, H. Sommers, Appelwick, Taylor, P. King, Moyer, May and Butterfield; by request of State Auditor and Attorney General)

Clarifying the definition of "costs" received as part of court actions.

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

Background: All money received by municipal and district court clerks for fines, penalties, forfeitures, fees

and court costs must be paid by the court clerk to the city clerk or the county treasurer, as applicable. The clerk or treasurer transmits 32 percent of the funds received to the state treasurer for deposit in the public safety and education account. The Legislature appropriates funds from this account to promote traffic safety, criminal justice training, crime victim's compensation, judicial education, winter recreation parking, state game programs and the judicial information system.

Court costs in civil cases include costs for filing fees, service of process, service by publication, notary fees, reasonable expenses in obtaining documents, statutory attorney and witness fees, and the reasonable expense of transcribing depositions in some cases.

The sheriff collects fees for service of process, levying on writs of attachment and execution and other actions related to judicial proceedings.

A convicted criminal defendant may be required to pay costs. These costs must be limited to expenses specially incurred by the state in prosecuting the defendant. The expenses may include jury fees and the cost of serving a warrant for a failure to appear.

Summary: The court clerk is not required to pay to the city clerk or county treasurer any sums received as costs. These costs include costs awarded to parties in civil actions, including sheriff's fees. Costs in criminal cases include the costs imposed against the criminal defendant for the special costs of prosecuting the action, for sheriff's fees, for jury fees or for serving a warrant for failure to appear.

Votes on Final Passage:

House	97	0
Senate	42	4

Effective: June 9, 1988

SHB 1618

C 176 L 88

By Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, Leonard, Moyer, Padden, Scott, Anderson, Miller, Cooper, Ferguson, Sanders, May, Silver and Butterfield; by request of Department of Social and Health Services)

Reorganizing and clarifying the laws regarding services to persons with developmental disabilities.

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

Background: State programs for the developmentally disabled (DD) are administered by the Department of

Social and Health Services. The statutory authority for DD programs are found principally in three titles dealing with Mental Illness (Title 71 RCW), State Institutions (Title 72 RCW) and Public Assistance (Title 74 RCW). None of these titles describes the state developmental disabilities program and few cross-references exist between the titles.

Eligibility requirements for all residential and community services are located in the state institutions title. The title on mental illness contains local services provisions and authorizes habilitative services and cooperative arrangements with Oregon and Idaho. The public assistance title provides for services for children with multiple handicaps.

Throughout these titles the terminology used for the DD programs is not uniform; and to determine the law governing DD services the titles must be read together. The definition of DD does not appear in the chapter prescribing eligibility; and eligibility is governed by conflicting terms variously expressed as "handicapped," "mentally retarded" or "mental deficiency." No uniform terminology exists for the state institutions; they are variously referred to as state schools, state residential schools, residential schools, schools for handicapped persons, or departmental residential facilities.

Obsolete language also appears in the DD provisions. The statute contains references to involuntary court commitments of persons with developmental disabilities. Such involuntary commitments are possibly unconstitutional and in conflict with a law that prohibits such commitments.

Summary: A new title is created in the Washington code unifying and updating the statutory authority for state programs, policies and services provided by the Department of Social and Health Services to persons with developmental disabilities. The new title establishes a uniform system of developmental disability services, describing the clients and services they receive, clarifying the authority of the department to provide specified services, and delineating the services clients are eligible to receive. Statutes are amended, repealed or re-codified, and new sections are added to reflect the policy currently expressed in the code, rules or practice with the intent that no new programs, policies or services, not existing prior to the act's effective date, are authorized. No existing rights are affected.

The new statutory authority is divided into separate parts governing general provisions, such as definitions, and administrative matters; the powers and duties of

state agencies, including the authority of the department to provide and administer residential and community services; the powers and duties of local government, including DD boards; eligibility for services; individual service plans; delivery of services; and residential habilitation centers.

"Developmental disability" is defined for eligibility purposes as including an indefinite neurological condition related to mental retardation, originating before the individual attains 18 years of age, and constituting a substantial handicap. The term residential habilitation center describes state-operated institutions for persons with developmental disabilities.

Statutory references to involuntary commitment are repealed.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	93	0	(House concurred)

Effective: June 9, 1988

HB 1626

C 104 L 88

By Representatives Braddock, Ballard, Brooks, Moyer and Kremen

Amending emergency medical service provisions.

House Committee on Health Care

Senate Committee on Health Care & Corrections

Background: Emergency medical personnel provide emergency medical care and treatment to persons at the scene of an accident or to patients being transported to medical facilities. Emergency medical personnel are not liable for acts of ordinary negligence that occur while rendering pre-hospital emergency medical care, but this immunity from liability does not apply to the emergency care of patients transported between hospitals.

Summary: Emergency medical personnel are not liable for acts of ordinary negligence that occur while rendering emergency care of patients transported between hospitals.

Votes on Final Passage:

House	96	0
Senate	47	0

Effective: March 16, 1988

HB 1629

C 113 L 88

By Representatives Schoon, Braddock, Brooks, Moyer, Kremen, D. Sommers, Sprengle, May and Miller

Changing the definition of physician's assistant.

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

Background: A physician assistant is a registered health care practitioner who assists the sponsoring physician in the practice of medicine while under the physician's supervision and control. Physician assistants may be graduates of foreign medical schools or colleges.

Summary: Foreign medical school graduates will not be eligible for registration as physician assistants after July 1, 1989. Persons applying before that date may be foreign medical school graduates if they have not committed unprofessional conduct or violated rules of the State Board of Medical Examiners. The board is required to adopt rules for registration including approval of training and receipt of school transcripts.

Votes on Final Passage:

House	96	1	
Senate	48	0	(Senate amended)
House	92	0	(House concurred)

Effective: June 9, 1988

SHB 1633

C 233 L 88

By Committee on Local Government (originally sponsored by Representatives Appelwick and Sanders)

Exempting contracts for neighborhood improvement projects from bidding and prevailing wage requirements.

House Committee on Local Government
Senate Committee on Economic Development & Labor

Background: Various local governments are authorized to provide park and recreation facilities, including cities, towns, counties, metropolitan park districts, park and recreation districts, and park and recreation service areas.

Many local governments are required to award contracts for public works projects through an open, competitive, sealed bidding procedure, if the value of the project exceeds a certain value.

Summary: Counties, cities, towns, metropolitan park districts, school districts, park and recreation districts, and park and recreation service areas are authorized to contract with service groups to make various park and recreation improvements, or to maintain such facilities, without conforming with competitive bidding requirements if the value of the improvements or maintenance is at least three times the value of any consideration that is paid. Volunteers may be used.

Annual contractual payments for such projects cannot exceed the greater of \$25,000 or \$2 per resident of the local government.

These local governments can ratify an agreement concerning this type of neighborhood project that was made on or after January 1, 1988.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 9, 1988

2SHB 1640

C 125 L 88

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Fox, Jacobsen, Miller, Kremen, Spanel, Heavey, Silver, Nelson, Jesernig, Braddock, Wineberry, Winsley, R. King, Valle, Leonard, Dellwo, Peery, Haugen, H. Sommers, Jones, Wang, Scott, P. King, Basich, Nutley, O'Brien, Hine, Sanders, Sayan, Pruitt, Todd, Lux, K. Wilson, Unsoeld, Betrozoff and Rust)

Establishing the G. Robert Ross public service award program for outstanding public service by faculty.

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

Background: In November 1987 three top officials of Western Washington University were killed in the crash of a chartered plane. The loss of G. Robert Ross, President; Jeanene DeLille, Vice President for University Advancement; and Don Cole, Vice President for Business devastated the university's students and employees.

Dr. Ross was an exemplary university president who helped to lead his school to a position of increasing excellence and national prominence. He strongly encouraged the faculty, staff and students at Western Washington University to work together cooperatively to advance the university's goals in the areas of

academics, research and public service. Dr. Ross was a convincing spokesperson for excellence in all areas of education, and, during the 1987 session, was a leader in helping convince the Legislature to substantially increase financial support for higher education programs such as the Distinguished Professorship Trust Fund Program. Many legislators and educators believe that establishing a Distinguished Professorship at Western Washington University in Dr. Ross's honor would provide a fitting memorial for this outstanding president.

As families are called upon to meet an increasing portion of higher education costs, many states, including Washington, have considered various forms of educational savings programs.

In 1987 Illinois enacted a college savings bond program under which state general obligation bonds are sold. Incentives are provided to encourage purchase of the bonds and enrollment in Illinois colleges and universities. The incentives include authorizing supplemental payments to bondholders to be used for college tuition, excluding \$25,000 in bonds when determining state financial aid, and exempting interest on the bonds from the state income tax. The first bond sale, held in January, 1988, was highly successful.

Summary: The G. Robert Ross Distinguished Faculty Award is established. The award will be administered by the governing board of Western Washington University. The board will adopt guidelines for the selection of award recipients. The board will also establish and administer a local endowment fund for the deposit of state funds and private donations. The proceeds of the endowment fund may be used to supplement the salary of the holder of the award, to pay the salaries of his or her assistants, and to pay expenses associated with the holder's scholarly work.

The Distinguished Professorship Trust Fund Program is revised to permit matching funds for the program to be received from a legislative appropriation specifically for the G. Robert Ross Distinguished Faculty Award, and to eliminate the one unassigned professorship from the program.

An appropriation of \$250,000 is made for deposit in the G. Robert Ross Distinguished Faculty Endowment Fund. These moneys are the designated match for the \$250,000 allocated for the use of Western Washington University under the Distinguished Professorship Program. The total of \$500,000 will be deposited in the G. Robert Ross Distinguished Faculty Endowment Fund.

The Future Teachers Conditional Scholarship Program includes statutory grade point requirements for

scholarship recipients. The Higher Education Coordinating Board is permitted to waive these grade point requirements for an otherwise eligible student under special circumstances.

A College Savings Bond Program is established to help Washington residents obtain a higher education and to encourage financial planning to meet the costs of higher education.

The State Finance Committee is authorized to issue \$50 million general obligation bonds for capital improvements at the state higher education institutions, subject to appropriation. The State Finance Committee is given discretion to determine the manner of sale and issuance of the bonds. However, if the committee determines it is economically feasible and in the best interest of the state, the committee shall sell the bonds at a "deep discount" (meaning the total amount of principal and interest would be payable at maturity).

The Higher Education Coordinating (HEC) Board and the State Finance Committee are directed to create and implement an educational program and marketing strategies to publicize the College Savings Bond Program.

By December, 1990 the State Finance Committee and the HEC Board shall evaluate the effectiveness of the College Savings Bond Program and report to the Legislature and the governor on the program and on any recommended program changes. The HEC Board shall include in the report a study of the advisability of offering incentives to purchase college savings bonds.

The interest on the bonds is exempt from any state income tax.

Votes on Final Passage:

House	93	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	46	0
House	97	0

Effective: June 9, 1988

HB 1649

C 195 L 88

By Representatives Sayan, Patrick, H. Sommers, Holland, Basich and D. Sommers

Revising pension portability provisions.

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

Background: In 1987 the Legislature enacted a bill to allow members of the Public Employees' Retirement System (PERS), the Teachers' Retirement System (TRS), the Washington State Patrol Retirement System (WSPRS), and the Statewide Cities Employees Retirement System (SCERS) to move between those four systems without suffering a significant reduction in their retirement benefits, beginning July 1, 1988. The legislation permits persons to combine their service in those four systems for the purpose of determining retirement eligibility. (PERS Plan I and TRS Plan I both allow a member to retire at age 55 with 25 years of service, or at any age with 30 years of service.) Members may also calculate their retirement allowances using the "base salary" earned in any of the four systems. (Base salary is defined as the salaries or wages earned by a member, excluding any overtime and lump sum payments.)

The SCERS was abolished in 1971; all active members of SCERS became members of PERS at that time and later were allowed to receive credit in PERS for their prior service in SCERS.

The 1987 portability legislation prohibits use of the portability benefit ("dual membership") if the member is receiving a disability benefit from PERS, TRS, WSPRS, SCERS or from one of the city employee retirement systems for Seattle, Tacoma or Spokane.

Under the 1987 act the surviving spouse of a dual member may receive a survivor benefit from each of the dual member's systems, as if the dual member were active in each of the systems at the time of death. PERS and TRS provide the surviving spouse of a member who has at least 10 years of service with a survivor allowance, which is based on the member's length of service. The WSPRS provides the surviving spouse of a member who has any length of service with an allowance equal to 50 percent of the member's salary.

The 1987 bill includes a "maximum benefit limitation." The sum of the retirement allowances received under the bill may not exceed the smallest amount the member would have received if all of his or her service had been rendered in any one of the member's systems. The bill does not, however, provide guidelines for enforcing this limitation.

During the fall of 1987 the Joint Committee on Pension Policy reviewed the 1987 portability act and recommended several clarifying amendments.

Summary: The following changes are made to the statute on portability of public retirement benefits:

1. Definitions that are no longer used are deleted and the definitions of "base salary" and "director" are clarified. The definition of "dual member" is clarified

to exclude any person who is receiving disability benefits from any retirement system administered by the Department of Retirement Systems.

2. References to the city employee retirement systems of Seattle, Tacoma and Spokane are clarified. The Statewide City Employees Retirement System is removed from the coverage of the act.

3. The section creating the basic portability benefit is rewritten to more clearly define the benefit. The benefit is not modified.

4. The portability survivor benefit is not made available to former members of the Washington State Patrol Retirement System.

5. Guidelines are provided for administering the maximum benefit limitation.

6. Each participating retirement system may pay a dual member a lump sum payment in lieu of a monthly benefit if the initial monthly benefit would be less than \$50.

Votes on Final Passage:

House	94	0
Senate	49	0

Effective: July 1, 1988

SHB 1652
PARTIAL VETO
C 281 L 88

By Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Haugen, Beck, Sayan, Holm, Nealey, Zellinsky, D. Sommers, Nutley, Butterfield, Sutherland, Spanel, Peery and Baugher)

Providing for the investment of public funds.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: The treasurers of local governments and the state are authorized to invest public money in their possession in a variety of investments.

The county treasurer is the treasurer for the county and most special districts. Some special districts are authorized to appoint their own treasurer, who can act for the special district with the same authority as the county treasurer, including the authority to invest the district's money in the same types of investments. County treasurers are authorized to invest public moneys in a variety of investments, including federal bonds or notes, savings or time accounts of public depositories and bankers acceptances purchased on the secondary market.

Cities and towns have their own fiscal officers who invest their funds. Cities and towns are authorized to invest public money in federal bonds and notes, state bonds or warrants, general obligation or utility revenue bonds of their own or another city or town in the state, their own local improvement district bonds, and any other investment authorized for any other taxing district in the state.

Metropolitan municipal corporations (metros) are authorized to have their funds invested in anything in which a mutual savings bank may invest.

The state treasurer is authorized to invest or deposit its funds in public depositories, federal bonds and notes, state and local bonds and warrants, bankers acceptances purchased on the secondary market, negotiable certificates of deposit with commercial or mutual savings banks doing businesses in the state, and commercial paper.

Local governments are authorized to join together and create joint self insurance pools. A list of potential investments is included in law in which money may be invested that is placed into these joint self insurance pools.

County treasurers are authorized at the request of local governments to combine the funds of different local governments and invest these combined funds.

The county treasurer of the county within which a public transit benefit area (PTBA) is located acts as the treasurer of the PTBA. However, a PTBA may appoint someone else to act as its treasurer with the approval of the county treasurer.

Work periods for county employees are either each month or each half of a month, with compensation to be paid within five days of the end of each work period.

Summary: The state, all local governments and local government insurance pools are authorized to invest their money in the following: bonds of the state or any local government in the state that have one of the three highest credit ratings of a nationally recognized rating agency; general obligation bonds of another state, or local government in another state, that has one of the three highest credit ratings of a nationally recognized rating agency; any investment authorized by law for the treasurer of the state of Washington or any local government in the state, other than metropolitan municipal corporations (metros); any registered warrants of any government located in the same county as the government making the investment.

The state and local governments can invest moneys that are subject to federal arbitrage provisions in the following: mutual funds consisting of federal bonds,

with average maturities of less than four years, and bonds of any state or local government that have one of the four highest ratings of a nationally recognized rating agency; money market funds consisting of bonds of states and local governments, or other issuers authorized by law for investment by local governments, with one of the two highest credit ratings of a nationally recognized rating agency; money market funds consisting of any securities authorized by law for investment by local governments.

Any mutual fund or money market fund in which such moneys are invested must post a bond with the state risk manager equal to at least 5 percent of the amount invested in the fund by governments in this state.

A county treasurer creating an investment pool in which funds of local governments are combined for investment purposes may deduct amounts from the pool's earnings to reimburse the county for the initial administrative costs in creating the investment pool.

A public transit benefit area authority would no longer have to obtain the approval of the county treasurer to designate someone other than the county treasurer to act as its treasurer.

The amount of time is extended from five days to 15 days after a work period has been completed by which counties must pay their employees.

Votes on Final Passage:

House	97	0	
Senate	39	9	(Senate amended)
House	95	0	(House concurred)

Effective: June 9, 1988

Partial Veto Summary: Language was vetoed that permitted a public transit benefit area authority to designate someone other than the county treasurer to act as the authority's treasurer, and to make the designation without obtaining the approval of the county treasurer. (See VETO MESSAGE)

SHB 1660

C 227 L 88

By Committee on Transportation (originally sponsored by Representatives Meyers, Walk, Vekich, S. Wilson, Gallagher, Fisher, Hankins, Cantwell, Cooper, Day and Unsoeld)

Establishing a motorcycle skills program.

House Committee on Transportation
Senate Committee on Transportation

Background: The motorcycle safety education program is a nationally accredited program run by the Department of Licensing (DOL). The DOL contracts with certified instructors who must teach a minimum of one class per year to maintain their teaching eligibility.

Two classes are offered; one for advanced riders and one for novice riders. The advanced class is eight hours and the novice class is sixteen. The cost of the classes varies from \$60 to \$125 depending upon where the classes are taught. DOL determines how much may be charged by the instructors, who keep the fees paid to them by the students.

State expenditures are for the cost of books, program administration, and insurance for students while they are in the class.

Only motorcyclists 18 and under are required to take a motorcycle safety class, although the classes are open to, and recommended for, all motorcyclists. About 1.5 percent of all motorcyclists have taken either class.

Summary: The cost of both the novice and advanced motorcycle safety courses is standardized and reduced to \$30. The real cost of the courses vary from \$60 to \$125 statewide, but these costs will be subsidized by the state. The state subsidy will be paid for by a \$1 increase in the cost of motorcycle endorsement fees.

Motorcycle safety instructors are required to teach a minimum of three classes per year in order to maintain their teaching eligibility. The course must be a minimum of eight hours but no longer than sixteen.

The Department of Licensing is required to submit a detailed statistical report each biennium to the Legislative Transportation Committee including information on actual expenditures compared to budgeted expenditures, current and historical enrollments and number of courses taught.

Votes on Final Passage:

House	97	0	
Senate	48	1	(Senate amended)
House	95	0	(House concurred)

Effective: June 9, 1988

SHB 1672
PARTIAL VETO
C 56 L 88

By Committee on Transportation (originally sponsored by Representatives Rasmussen, Schmidt, Walk, S. Wilson, Brough, May and Beck)

Requiring identification on large trucks.

House Committee on Transportation
Senate Committee on Transportation

Background: Trucks operating in the state of Washington are required to display certain identification markings on the vehicles. By law, trucks over 4,000 pounds are required to display the licensed gross weight on the cab in letters not less than two inches high. By UTC rule, intrastate common and contract carriers are required to display the company's name and operating authority permit number on the vehicle in letters three inches high. All interstate carriers are required by the Interstate Commerce Commission to display the company name and city of address on the vehicle. Intrastate private carriers are subject only to the licensed gross weight marking.

Farm vehicles operated within a 15-mile radius of the farm are not required to have a vehicle license.

Summary: Trucks over 26,000 pounds that are required to have a vehicle license must display an identifying name or number on both sides of the vehicle. For a common or contract carrier, the identification is (1) the name of the owner or business, and (2) the Utilities & Transportation Commission or Interstate Commerce Commission operating authority permit number. For private carriers, the identification is the name and address of the owner or business. Farm vehicles that are not required by law to have a vehicle license are exempt from the marking provisions.

Identifying letters must be no less than four inches high and in a contrasting color. The letters must be visible from a position four feet above the roadway in a lane adjacent to the truck. For tractors, logging trucks, stake bodies, flat beds and dump trucks, the identification must be placed on the cab.

Vehicles under 10,000 pounds are no longer required to display the licensed gross weight on the outside of the cab.

Votes on Final Passage:

House	90	1
Senate	47	0

Effective: June 9, 1988

Partial Veto Summary: The identification marking requirements for vehicles or combinations over 26,000 pounds was vetoed by the Governor based upon farm vehicle concerns and possible application to personal-use vehicles, i.e., a pick-up truck hauling a trailer.

SHB 1673
PARTIAL VETO
 C 280 L 88

By Committee on Housing (originally sponsored by Representatives Todd, Barnes, Nutley, Cooper, Cantwell, Sanders, Sayan, Crane, Unsoeld, Rasmussen, Sprengle, J. Williams, Leonard, Cole, Dorn, Patrick, Pruitt and Beck)

Establishing an office of mobile home affairs.

House Committee on Housing
 Senate Committee on Ways & Means/Appropriation

Background: There are several interrelated issues to consider when addressing mobile or manufactured homes.

The Department of Community Development is a department created to assist in providing financial and technical assistance to the communities of the state, and to assist in improving the delivery of federal, state and local programs. A significant portion of the department's efforts have focused on housing issues.

Mobile homes or manufactured homes are built in factories, the construction of which, since 1976, has been regulated by the Department of Housing and Urban Development (HUD). These homes are built with wheel chassis. Once put on a site, the wheels, hitch and axles are often removed to make the home more permanent.

Mobile or manufactured homes are placed on land that is either owned by the owner of the mobile home or that is rented. Some units are in parks composed of lots or spaces, that are rented to the mobile home owner.

Disputes sometimes occur between park owners (landlords) and mobile home owners (tenants). This area is covered by the mobile home landlord-tenant act. How effective these laws are at resolving disputes is argued by both sides. No state agency is responsible for overseeing this area.

Dealers and manufacturers of motor vehicles, including mobile or manufactured homes, are regulated by law. Persons who engage in the business of selling motor vehicles or mobile homes are defined as dealers and are subject to these statutes. Mobile home park owners who sell mobile homes at their parks must meet the dealer requirements, unless the sale is an isolated one and the park owner is the registered or legal owner of the mobile home.

Summary: An office of mobile home affairs is created in the Department of Community Development. The

office will deal with matters relating to mobile or manufactured homes, except for rent control or stabilization, and will act to coordinate state agencies in this area.

The office of mobile home affairs will provide an ombudsman service to assist in the resolution of disputes between park owners and tenants, to help access governmental services related to the health and safety of mobile home parks, and to provide technical assistance in converting mobile home parks to resident ownership.

A five member advisory committee composed of one representative each from mobile home manufacturers, mobile home park owners, mobile home tenants, local government and the public is established. This advisory committee is to provide input to the Department of Community Development regarding mobile home issues, although mobile home landlord-tenant issues are to be reviewed only by representatives from the park owners, the tenants and the public. The advisory group is to be a subcommittee of a state housing advisory committee if the Department of Community Development creates one.

The office of mobile home affairs is to be funded through a \$1 per space charge to park owners and tenants, to be collected by the Department of Revenue.

Changes are made to the dealer licensing statutes to allow a mobile home park owner who sells mobile homes located on lots within the park to be licensed as a dealer. The Department of Licensing may issue a dealer's license to such an owner without considering whether the park owner is meeting the following requirements: Having a commercial building or office with signs and a display area, complying with applicable zoning and land use requirements, and conducting a business in other than a dwelling. Only dealer licensing requirements are changed. Local zoning or land use regulations are not affected and may still be enforced by local authorities. An express statement is added to clarify that a homeowner who sells his or her mobile home in such a park has all the rights available under the mobile home landlord-tenant act.

Votes on Final Passage:

House	85	10	
Senate	45	3	(Senate amended)
House	95	0	(House concurred)

Effective: June 9, 1988

Partial Veto Summary: Vetoes is the subsection establishing the advisory committee and the section exempting mobile home park owners from the specified licensing requirements. (See VETO MESSAGE)

SHB 1680

C 96 L 88

By Committee on Ways & Means/Revenue
(originally sponsored by Representatives Nutley,
Peery, Butterfield, Cooper and Sutherland)

*Revising permit requirements on sales tax exemptions
for nonresidents.*

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

Background: An exemption from the sales tax is provided to certain nonresidents of Washington who obtain a nonresident permit. The exemption is available for the purchase of tangible personal property for use outside this state.

The permits are available to residents of states and provinces of Canada only if the applicant's state or province does not impose a sales tax of three percent or more. For example, it is available to residents of Alaska, Oregon, Montana and Alberta, but not to residents of British Columbia or Idaho.

Vendors making a tax exempt sale must ensure that the permit is valid and maintain records showing the permit number on each sale. A vendor has two options when requested to make a tax exempt sale. The vendor may either refuse to make the sale, or make the sale and keep the appropriate records.

Any person making tax exempt purchases with a counterfeit permit or a fraudulently obtained permit is guilty of a misdemeanor and may also be subject to a penalty. The penalty shall not exceed the tax due on the purchases. A vendor making a tax exempt sale to a person not entitled to the exemption is liable for the amount of tax due.

Summary: The nonresident permits for sales tax exemption are eliminated. An eligible nonresident may procure a sales tax exemption through the use of a current out-of-state driver's license or photo identification and one other piece of identification.

Vendors are not required to make tax exempt sales. Vendors making tax exempt sales must maintain records showing the type of identification used including identification numbers where appropriate.

A person using fraudulent identification to make a tax exempt purchase is guilty of a misdemeanor and is liable for the tax and a penalty equal to the greater of \$100 or the tax due.

A vendor knowingly making a tax exempt sale to a person not entitled to a tax exemption is guilty of a misdemeanor and is liable for the tax and a penalty equal to the greater of \$1,000 or the tax due on the sale.

Votes on Final Passage:

House	88	9
Senate	41	7

Effective: July 1, 1989

SHB 1683

C 126 L 88

By Committee on Housing (originally sponsored by
Representatives Cantwell, Todd, Ebersole, Crane,
Dorn and Sayan)

Amending mobile home landlord-tenant provisions.

House Committee on Housing
Senate Committee on Law & Justice

Background: The Mobile Home Landlord-Tenant Act was originally passed in 1977, and has been amended several times. The act addresses issues between the owners of mobile homes who rent the land on which the homes are placed (tenants) and the owners of the land (landlords).

The act defines the duties of landlords and tenants, and provides for remedies for landlords and tenants. Another provision in the act requires the State Board of Health to adopt health and sanitation standards for mobile home parks. These standards are to be enforced by the local government.

Summary: A local government may fine a mobile home park owner, or a tenant when applicable, for not correcting violations of health and sanitation standards after the local government has tried to enforce these standards. The fine can be up to \$100 per day, depending on the seriousness of the violation.

Votes on Final Passage:

House	97	0
Senate	47	1 (Senate amended)
House	94	0 (House concurred)

Effective: June 9, 1988

SHB 1684

C 184 L 88

By Committee on Environmental Affairs (originally
sponsored by Representatives Sprengle, May, Rust,
Pruitt, D. Sommers, Cooper, Walker, Unsoeld,
Nelson, Brekke, Ferguson, Todd and Spanel)

*Establishing an analysis process for management of
certain categories of solid waste.*

House Committee on Environmental Affairs

Senate Committee on Environment & Natural Resources

Background: The 1987 Legislature established the Joint Select Committee on Preferred Solid Waste Management in order to determine the reasons why higher rates of waste reduction and recycling have not been achieved in the state and to develop recommendations on how to achieve higher rates. Under that legislation the committee will cease to exist on July 1, 1988.

The committee's interim report to the Legislature includes a recommendation that the Department of Ecology conduct an analysis of the solid waste stream to identify the major categories of waste, where they come from and how they are being managed. The committee also recommended that the department determine the best management alternative for each category of waste. Once this information is gathered, the Joint Select Committee will be better able to assess the need for statutory or regulatory changes. In order to make this assessment, the report recommends extending the duration of the committee for an additional year.

Summary: The Department of Ecology must determine the best management practice for various categories of solid waste. In order to make this determination, the department must conduct a comprehensive waste stream analysis and evaluation. The waste stream analysis must address specified issues, including an assessment of current waste reduction and recycling rates, a review of available technologies for solid waste management and an assessment of waste segregation options. This information must be kept up to date and made available to local governments.

To determine the best management method for categories of solid waste, the department must determine the management method that has the least environmental impact, consider costs and market availability, and determine the appropriate management strategy for each category of waste. Certain categories must be evaluated by January 1, 1989 and others by January 1, 1990.

The results of the analysis must be incorporated into the state Solid Waste Management Plan. In July of 1988 the department will present a progress report to the Joint Select Committee on Preferred Solid Waste Management. The department will also present a report to the appropriate standing committees of the Legislature by January 1, 1989.

The expiration date for the Joint Select Committee on Preferred Solid Waste Management is extended from July 1, 1988 to July 1, 1989.

Votes on Final Passage:

House	98	0	
Senate	49	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 9, 1988

HB 1686

C 120 L 88

By Representatives Nealey, Fisher, Belcher, Walker, Chandler, Beck, Grant, Silver, Fuhrman, May, Rasmussen, Moyer, Sanders, McLean and Miller

Regulating the use of the state seal.

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

Background: State law prohibits any person from using or making any die or impression of the state seal for any use unless written permission has first been obtained from the Secretary of State. A violation of this prohibition is a gross misdemeanor.

Summary: The state seal may be used for official purposes only. However, the Secretary of State may authorize in writing the use of the seal on commemorative and souvenir items and for historical, educational and civic purposes. Application for such an authority must be in writing and must be accompanied by a filing fee set by the secretary. If permitted uses could benefit the state financially the secretary may require a licensing agreement to secure those benefits. The secretary must adopt rules to govern the use of the seal.

Any other use of the state seal on or in connection with any promotion for a product, business, organization, service or article is prohibited as is the use of any symbol that imitates the seal in any manner that would be an improper use of the official seal. The state seal may not be used in a political campaign to assist or defeat any candidate for elective office. These provisions do not prohibit the reproduction of the seal for illustrative purposes by the news media if incidental to a publication or broadcast, or the use of a characterization of the seal in political cartoons.

Violators are liable for damages in an amount equal to the gross monetary amount gained by the misuse or use and for attorney's fees and other costs of the state in bringing the suit. A violator is also subject to a civil penalty of not more than \$5,000.

The Attorney General may seek appropriate injunctive relief to prevent violations. Any person who willfully violates these provisions is guilty of a misdemeanor.

All penalties and damages and all fees except filing fees must be deposited in the Capitol Building Construction Account for use in the historical restoration and completion of the Legislative Building.

Provisions of current law governing the use of the state seal are repealed.

Votes on Final Passage:

House	95	2
Senate	31	17

Effective: June 9, 1988

SHB 1690

C 239 L 88

By Committee on Housing (originally sponsored by Representatives Ferguson, Cooper, Winsley, Miller, Nutley, Crane, Baugher, Sanders, Lux, Haugen, Beck, Day, Meyers, Betrozoff, Nelson and Cantwell)

Requiring cities and counties to review need for manufactured homes.

House Committee on Housing
Senate Committee on Governmental Operations

Background: The construction of manufactured or mobile homes has been regulated by the federal Department of Housing and Urban Development since 1976. Mobile homes are built with wheel chassis and are moved to a site on the public highways. Once at the site, the wheels, hitch, and axles are often removed to make the home more permanent.

Local governments play an important role in the siting, moving, and installation of mobile homes.

Manufactured Home Siting.

Cities and towns are authorized to prepare coordinated plans (comprehensive plans) that guide the physical development of the jurisdiction through land-use regulations for residential, commercial, industrial, and other purposes.

The city or town's adopted comprehensive plan determines whether mobile homes may be sited in residential areas. Some jurisdictions do not allow the siting of mobile homes on individual lots. This practice reduces the available housing options.

Mobile Home Moving.

Moving a mobile home requires a special permit to move oversized loads on the public highways. The Department of Transportation or the local government, whichever has jurisdiction over the highway being traversed, is responsible for issuing the necessary permit.

Manufacturers and dealers of mobile homes must be licensed and bonded. Frequently, manufacturers and

dealers move mobile homes as a part of the business of manufacturing or selling the homes. Transporters in the business of moving vehicles including mobile homes, must be licensed. There are no bond requirements, nor qualification standards for a transporter license.

Mobile Home Installation.

Federal law preempts state regulation of the construction of mobile homes. The state may regulate the site preparation and mobile home installation on the site. Federal law requires the state to incorporate the guidelines of the mobile home manufacturer into its installation standards.

Under state law, the Department of Labor and Industries must enact standards for mobile home installations. The department may provide for enforcement of and inspection under these installation standards. Although the department does not do the inspections, the department may authorize local governments to inspect installations if requested. Some counties, however, do not inspect the mobile home installations.

Summary:

Manufactured Home Siting.

A comprehensive plan for the physical development of a city or town that does not allow the siting of manufactured homes on individual lots is subject to review, by the jurisdiction, for the need and demand for this type of housing. The review procedure must comply with the state and local requirements to adopt or amend a comprehensive plan, including a public hearing. The review process must be completed by December 1, 1990.

The term "designated manufactured home" is defined to assist local jurisdictions in their planning efforts. A "designated manufactured home" is limited to a structure constructed after June 15, 1976 in accordance with state and federal requirements for manufactured homes. A manufactured home is further defined as a structure that: a) has at least two fully enclosed sections each not less than 12 feet wide by 36 feet long; b) was originally constructed with or now has a composition, wood shake, shingle, metal coated, or similar roof, of not less than 3:12 pitch; and c) has exterior siding similar in appearance to conventional site-built single family homes.

Mobile Home Moving.

The Department of Transportation or a local jurisdiction, when processing a request for a special permit to move a mobile home, must verify that the person moving the home is properly licensed as a manufacturer, a dealer, or a transporter. The Department of

SHB 1690

Licensing must determine whether a person or organization is properly licensed as a motor freight carrier, as required by law, before issuing a license or plate to transport a mobile home. These requirements do not apply to mobile home manufacturers or licensed dealers who deliver mobile homes.

Mobile Home Installation.

Local jurisdictions are required to enforce the mobile home installation standards adopted by the Department of Labor and Industries. The enforcement of the installation standards applies whether the mobile home is located in a mobile home park or on an individual lot. The mobile home installation standards must be uniform and enforced by the local jurisdiction in the same manner that the State Building Code is enforced. Local jurisdictions are authorized to charge inspection fees for mobile home installation inspections.

Votes on Final Passage:

House	97	0	
Senate	48	0	(Senate amended)
House	91	0	(House concurred)

Effective: June 9, 1988

HB 1693

C 65 L 88

By Representatives Cooper, Butterfield, Peery, Nutley, Sutherland, Brough, Day, Fuhrman, May and Barnes

Authorizing educational service districts to contract with the school for the deaf and the school for the blind.

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

Background: The families of some students who are eligible to attend the school for the deaf and the school for the blind in Vancouver, Washington, have elected to move to the Vancouver area rather than have their child reside at the school and return home on the weekends and holidays. Local school districts have been providing transportation to the state schools for these students. There is no statutory authorization for compensating these school districts for these transportation services either through the local school district's transportation reimbursement from the state or from the school for the deaf or school for the blind.

Summary: Educational service districts may provide services to the school for the deaf and the school for

the blind, including contracting with these schools to provide transportation services.

Votes on Final Passage:

House	93	0
Senate	46	0

Effective: June 9, 1988

HB 1694

C 97 L 88

By Representatives Betrozoff, Peery, Holland, Rasmussen and P. King; by request of Superintendent of Public Instruction

Specifying some of the personal qualifications that are prerequisites to applying for a teaching certificate.

House Committee on Education
Senate Committee on Education

Background: Persons seeking teacher certification must submit to a background check through the Washington State Patrol's criminal identification system. This requirement also applies to individuals teaching in vocational technical institutes who are working with students over the age of 16 and who frequently are hired for a short period. In these cases, the need to hire the person may pass before the background check can be completed.

Summary: Persons applying for teacher certification that restricts them to teaching students who are 16 years of age or older are exempt from the requirement of submitting to a background check by the Washington State Patrol as a condition of certification.

Votes on Final Passage:

House	96	0
Senate	47	0

Effective: June 9, 1988

HB 1695

C 241 L 88

By Representatives Dorn, Betrozoff, Peery, Cole, Rust, Taylor, Rasmussen, Valle, Spanel, Holland, Rayburn, P. King and Winsley; by request of Superintendent of Public Instruction

Extending the time period for the superintendent of public instruction to adopt evaluation standards.

House Committee on Education
Senate Committee on Education

Background: In 1985, the Legislature directed the Superintendent of Public Instruction to develop and field test, in consultation with selected school districts, a series of teacher evaluation models. The models were to be field-tested by the participating districts during the 1987-88 school year and a report selecting five of the models for use by districts was to be completed by September 1, 1988, with a report to the legislature on January 1, 1989. Local school districts were to select and implement one of the evaluation models by September 1, 1989.

No funding was appropriated to allow field testing of the models during the 1987-88 school year. Consequently, the remaining statutory time lines for evaluation, adoption, reporting and implementation cannot be met.

Summary: The teacher evaluation models to be developed and field tested by the Superintendent of Public Instruction are for the evaluation of certificated teachers and other certificated support personnel. The date for field testing, selection, adoption, and implementation of evaluation procedures and reporting to the Legislature are moved forward one year making final implementation of an evaluation model by the school districts required by September 1, 1990.

Votes on Final Passage:

House	96	0
Senate	49	0

Effective: June 9, 1988

SHB 1701
PARTIAL VETO
C 283 L 88

By Committee on Transportation (originally sponsored by Representatives Walk, Schmidt and Baugher; by request of Office of Financial Management)

Adopting the supplemental transportation budget.

House Committee on Transportation
Senate Committee on Transportation

Background: The Legislature must make appropriations for each agency's operating budget and capital improvements. The transportation budget provides funding for the agencies and programs supported by transportation revenues through June 30, 1989.

Summary: The supplemental appropriation for the transportation agencies represents a \$60 million reduction from the governor's recommended level and

is a \$40 million reduction in current biennium appropriation authority. Additional funding is provided for the Rail Development Commission, Everett Homeport access roads (\$6 million federal funds), second auto deck on two ferries (\$5 million) and several Washington State Patrol capital projects.

For the capacity improvement program (Category C) \$13 million is shifted from the current biennium to Category A and H in the 1989-91 biennium. (See Budget section)

Votes on Final Passage:

House	91	1	
Senate	47	2	(Senate amended)
House	93	3	(House concurred)

Effective: March 24, 1988

Partial Veto Summary: The governor vetoed section 26 that created a committee to study the motor vehicle excise tax. The same provision was included in SSB 6376 that was signed by the governor. (See VETO MESSAGE)

HB 1710
C 165 L 88

By Representatives Jones, Ferguson, Fox, Brough, Walker, Fuhrman, Ballard and May

Approving projects approved by the public works board.

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

Background: The 1985 Legislature created a Public Works Board to finance repair and reconstruction of infrastructure facilities throughout the state. Before the board can sign loan agreements, the Legislature must approve a prioritized list of projects. The board must also submit to the Legislature a report describing each project (purpose, amount of funding, terms and conditions including the required local match) and documenting the need and fiscal capacity of the city, county or special district applying for the loan.

The legislature cannot change the priority ordering nor can it add projects.

Summary: \$29,086,385 worth of loans for 55 local public works projects located around the state are approved. The loans are to come from funds previously appropriated from the Public Works Assistance Fund. The Public Works Assistance Fund consists of revenues from local utility and real estate excise taxes. It is used to finance repair and modernization of water and sewer systems and local road and bridges. The

HB 1710

legislature approves projects from a prioritized list submitted by the Public Works board.

Votes on Final Passage:

House 93 0
Senate 46 0

Effective: March 24, 1988

2SHB 1713

C 183 L 88

By Committee on Transportation (originally sponsored by Representatives Braddock, Ballard, Sprenkle, Vekich, Lux, Haugen, Holm, Sayan, Winsley, Anderson and Baugher)

Creating a committee to study and design a trauma care system for Washington.

House Committee on Health Care
House Committee on Transportation
Senate Committee on Health Care & Corrections

Background: Presently there is not a statewide trauma care system in the state of Washington. The existing care has been described as fragmented and varied between the East and the West and between urban/metropolitan and rural areas.

A significant problem exists in rural areas where trauma care is often dependent upon volunteer pre-hospital care providers and upon the commitment of hospital personnel to be available to treat major trauma victims.

The care provided to a trauma victim is sometimes delayed by long response times of the first care provider. The wide spectrum of terrain and the dependence upon volunteer responders burden the system. Once a victim is stabilized in the field the transport time to a local facility may be in excess of 1-1/2 hours. Also, the resources and expertise at the local facility may not be sophisticated enough to care for a severely injured patient.

Summary: An analysis of the state's present trauma system is mandated. A steering committee is created to oversee the analysis. The Office of Financial Management (OFM), upon the recommendation of the steering committee, is to contract with an independent party to analyze a state trauma system. A trauma care system trust account is established in the state treasury. Disbursement is to be made by the director of OFM, subject to appropriation. If a state trauma care system is not created, the fund shall revert to the highway safety fund.

Votes on Final Passage:

House 91 2
Senate 49 0 (Senate amended)
House 94 0 (House concurred)

Effective: June 9, 1988

SHB 1729

C 225 L 88

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Patrick and Locke)

Changing provisions relating to corporate takeovers.

House Committee on Commerce & Labor
Senate Committee on Law & Justice

Background: Until 1987 the validity of state laws limiting corporate acquisitions was doubtful. However, a 1987 United States Supreme Court case approved an Indiana statute controlling corporate takeovers through regulation of shareholder voting rights. Since that decision, several states have enacted statutes regulating corporate acquisitions.

During a special session in 1987, legislation was adopted in Washington that prohibits, for five years from the share acquisition date, very large publicly traded corporations with significant contacts in Washington from entering into specified transactions with persons who own 10 percent or more of the outstanding voting shares of the corporation.

To be covered under the law: a corporation's property subject to taxation in Washington must exceed the value of the corporation's property subject to taxation in all other states; the corporation must have its principal executive offices in Washington; the majority of the corporation's employees must live in Washington; the majority of the corporation's assets must be in Washington; the corporation must employ at least 20,000 Washington residents; and 10 percent of the corporation's shareholders must reside in Washington, 10 percent of the shares of the corporation must be owned by Washington residents, or 5,000 Washington residents must own shares of the corporation.

The law expires December 31, 1988.

Summary: The prohibitions against corporations entering into specified transactions over a five year period with an acquirer of 10 percent or more of the corporation's shares are extended to all publicly traded domestic corporations that have: the principal corporate executive office in Washington; and either a majority of the corporation's employees as residents of

Washington or more than 1,000 Washington residents as employees. The prohibitions are also extended to publicly traded foreign corporations that have the principal corporate executive office in Washington; more than 10 percent of its shareholders as Washington residents, more than 10 percent of its shares owned by Washington residents, or more than 1,000 shares owned by Washington residents; either a majority of the corporation's employees as residents of Washington or more than 1,000 Washington residents as employees; and a majority, or at least \$50 million, of the corporation's assets located in Washington.

The definition of "acquiring person" is changed to exclude persons who own shares on the effective date of the act, who acquire shares by gift or other transaction in which no consideration is exchanged, or who exceed the 10 percent threshold because of action taken by the target corporation.

The prohibition against the termination of 5 percent or more of the employees while the corporation has an acquiring person is clarified. A presumption is established that terminations over the five year period are prohibited except for terminations that result from death or disability or bona fide voluntary retirement, transfer, resignation or leave of absence. Bona fide voluntary transfers between the target corporation and its subsidiaries, or between subsidiaries, are not terminations within the meaning of the act.

Votes on Final Passage:

House	57	39	
Senate	37	12	(Senate amended)
House	96	0	(House concurred)

Effective: March 23, 1988

SHB 1740

C 98 L 88

By Committee on Transportation (originally sponsored by Representatives Prince, Unsoeld, Silver, Hankins, Lewis, Patrick, Dellwo, Brough, Sanders, Doty, Rayburn and Ferguson)

Providing for informational highway signs and traffic fatality markers.

House Committee on Transportation
Senate Committee on Transportation

Background: The Student Highway Safety Committee at Washington State University has been actively pursuing the establishment of a highway fatality sign program.

About 50 years ago, several states began to install white crosses along the highway where fatal accidents occurred. These crosses were donated and installed by service organizations in an effort to alert motorists of fatal accident locations and to reduce highway deaths. State highway agencies permitted the service organizations to install the crosses on highway right-of-ways. The marking programs slowly began to disappear due to either disinterest or the enactment of the Federal Highway Beautification Act in October, 1965.

Summary: The Department of Transportation (DOT) is directed to conduct a four-year demonstration project of allowing highway fatality markers. The markers may be installed along SR 26 between Colfax and Vantage, SR 270 from Pullman to the Idaho border and SR 195 between Pullman and Colfax. The markers are installed as close as possible to the highway right-of-way without obstructing the view of the motoring public.

A "highway fatality marker" is a sign designed by the DOT that is placed at or near the location of a traffic fatality. Each marker represents the loss of one life.

Both local governmental agencies, and private individuals and groups, may apply to the DOT for a permit to erect a fatality marker within the demonstration area. The application contains a consent statement from the owner of the land upon which the proposed marker is to be placed.

An applicant with an approved permit is responsible for the erection and maintenance of the marker as specified in the permit. Markers that are illegally erected are to be immediately removed by the permittee. A family member of the deceased may request removal of a marker.

The DOT is directed to confer with agencies and individuals within the demonstration area when developing administrative rules for the marker program. Upon request, the department will provide information on the location of fatal accidents in the demonstration area.

The expiration date of the marker program is December 31, 1992.

Votes on Final Passage:

House	97	0
Senate	48	0

Effective: June 9, 1988

SHB 1745

C 187 L 88

By Committee on Education (originally sponsored by Representatives Peery, Holm, Taylor, Rasmussen, Betrozoff, Cole, Haugen, Holland, P. King, Schoon, D. Sommers, Dorn and Ebersole)

Specifying when school directors officially start their terms of office.

House Committee on Education
Senate Committee on Education

Background: In 1980, the Legislature established common dates for the assumption of office by local elected officials. School board members were not included. Consequently, it is not clear when new school directors take office.

Summary: Every person elected to the office of school director will begin his or her term of office at the first official meeting of the board of directors following the certification of the election results.

Votes on Final Passage:

House	96	0	
Senate	45	3	(Senate amended)
House			(House refused to concur)
Senate	49	0	(Senate receded)

Effective: June 9, 1988

SHB 1754

C 222 L 88

By Committee on Ways & Means/Revenue (originally sponsored by Representatives Appelwick, Winsley, Grimm, Holland, Braddock, Belcher and Prince)

Revising administrative provisions on taxes.

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

Background: Various tax procedures govern the state Tax Appeals Board and local county assessors. The Tax Appeals Board hears formal and informal tax appeals from taxpayers, county boards of equalization and local assessors. The board has the power to subpoena and depose witnesses. Judicial review of board decisions is authorized.

All property must be valued at its true and fair value and assessed on that basis unless otherwise specified by law. County tax assessors are required to begin work on assessing property not later than December 1st of each year.

County tax assessors are also responsible for keeping a list of the number of television sets in a television improvement district for billing assessment charges on behalf of the district.

County boards of equalization are established in law to review and modify assessments, take claims for property tax exemptions and hear taxpayer appeals. Members of the board are required to attend training at a school established by the Department of Revenue.

The Department of Revenue may order any county board of equalization to raise or lower the valuation of any taxable property or to add property to the tax rolls.

Under certain conditions senior citizens are exempt from regular and excess levies. Seniors, age 61 years or older on January 1st, must meet certain income tests to qualify for property tax exemptions. Seniors may also defer property tax obligations up to 80 percent of their equity in the property. Fire and casualty insurance sufficient to protect the equity must be kept in force. Property tax deferrals expire upon the sale of the property, cessation of residency in the property, death or condemnation of the property.

The taxation statutes prescribe dates upon which the indicated ratio for property taxes is established in each county. In addition, procedures are provided for correcting errors of assessment or tax rolls.

Summary: Taxation administrative procedures are amended as follows:

1) Television improvement districts must send lists of television sets for assessment purposes to county treasurers instead of county assessors.

2) The state Tax Appeals Board is authorized to hire tax referees who may be exempted from state civil service law. The board may provide copies of hearing decisions instead of providing journals for public inspection.

3) County assessors may appeal to the Tax Appeals Board within 20 days of receipt of a notice of appeal. The notification requirements for decisions made by county boards of equalization on appeal to the state board are changed.

4) Petitioners in a tax appeal must provide a copy of the notice of tax appeal to all parties. Appeals not conforming to this requirement are considered continued or dismissed.

5) Senior citizen property tax exemption requests may be made at any time during the year. Fire and casualty insurance requirements for property tax deferrals are clarified. Statutory references to liens against property for tax deferrals of local improvement or taxing district assessments are also clarified. An 8 percent interest rate is established for property tax

deferrals until the unpaid portion of the deferral is paid.

6) The assessment of buildings and structures on publicly owned lands, the listing of property and other assessment procedures are clarified. Penalties for failure to divulge personal property are changed.

7) Meeting date requirements for county boards of equalization are changed. The county legislative authority may set per diem for members of county equalization boards. Any member of a county equalization board who fails, within one year, to attend the training school is barred from the board. County district meetings may be used for training purposes.

8) The dates for certification of levies are changed from the second Monday in October to November 13th. The receiver of monies paid by the county for property tax refunds owed to the state is changed from the State Auditor to the Department of Revenue.

Votes on Final Passage:

House	97	0	
Senate	47	2	(Senate amended)
House			(House refused to concur)
Senate	47	2	(Senate receded)

Effective: June 9, 1988
 January 1, 1989 (Sections 15, 17, 19-21, 28, 30)

HB 1760

C 7 L 88

By Representatives Chandler, Winsley, Nutley, Todd, Ferguson, Lux, Betrozoff, Hargrove and Sanders

Revising provisions for industrial loan companies.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions & Insurance

Background: The Washington statute governing industrial loan companies permits two methods of calculating interest on loans made by industrial loan companies: the precomputed interest, or "discount" method and the simple interest method. The discount method determines the amount of interest owed for the entire term of a loan on the full principal amount, adds the two amounts together, and then allows for even payments over the term of the loan contract. The simple interest method determines the amount of interest that is owed at any given time by multiplying the outstanding balance by the interest rate for the payment period. Because each method results in a different yield to the lender, the statute sets different

interest rate limits for each method of computing interest and sets limits on any additional fees that may be charged by the lender.

If an industrial loan company is using the discount method to calculate interest on a loan, the company is limited to charging 10 percent per annum or less and the loan term is limited to two years. If the company is using a simple interest method to calculate interest on a loan, the company may charge up to 25 percent per annum and the loan term is limited to five years unless the loan is secured by real property or is an open-end loan. If the loan is an open-end loan the company may only use the simple interest method to calculate interest owed on the loan.

In addition to the interest that may be charged by the industrial loan company, the company may charge a maximum of 2 percent of the loan amount for loan investigation and servicing costs. This 2 percent fee may be deducted from the loan amount in advance of making the loan. A company is also permitted to charge for the filing and recording of security agreements and for the appraisal of any security offered by the borrower. The appraisal fee may not be collected if the company subsequently rejects the loan application.

Regulations adopted by the Division of Banking govern the method that must be used by an industrial loan company in calculating a refund of unearned interest when a loan is paid before its final due date. If the term of the loan is for a period under 61 months, the company must use the "rule of seventy-eights" to determine the amount of interest that must be refunded to the borrower. If the loan is for a term in excess of 61 months, the actuarial method must be used.

The "rule of seventy-eights" method of calculating the amount of unearned interest that must be refunded to a borrower is based upon a formula, which is the sum of the remaining number of payments divided by the number of payments actually made and multiplied by the outstanding balance. The actuarial method of calculating an interest refund is the allocation of loan payments between principal and interest using a simple interest rate calculation to determine how much interest was earned at the time the loan was satisfied. Generally, the "rule of seventy-eights" results in greater yield to the lender the longer the term of the loan.

Summary: The 2 percent fee that may be charged by an industrial loan company is limited to 2 percent of the loan amount advanced to or for the direct benefit of the borrower. The fee may not be calculated on the total of principal and interest.

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Industrial loan company authority to charge filing and appraisal fees are combined in a new subsection granting companies the additional authority to charge for title insurance. Appraisals must be conducted by independent, third party appraisers. The company may not use its own in-house appraiser.

An industrial loan company may not use the discount method when making any loan secured by real property.

Industrial loan companies may not use the "rule of seventy-eights" to calculate a refund of prepaid interest on any loan for a term in excess of 37 months. Unearned interest on loans for a term in excess of 37 months must be calculated by the actuarial method.

Votes on Final Passage:

House	98	0
Senate	45	2

Effective: June 9, 1988

SHB 1783

C 243 L 88

By Committee on Health Care (originally sponsored by Representatives P. King, Lewis, Day, Braddock and Cantwell)

Requiring the registration of nursing pools.

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

Background: Nursing pools are private entrepreneurial organizations that contract with nursing homes or other health facilities to provide temporary employment of nursing personnel such as licensed nurses, licensed practical nurses, or nursing assistants.

The employment practices of nursing pools are not regulated.

Summary: All persons operating nursing pools are required to register with the director of the Department of Licensing, who must establish forms and procedures for registration, including the payment of fees. Nursing pools are defined as the business of providing, procuring, or referring health care personnel, such as nurses, for temporary employment in health care facilities.

Nursing pools are required to document that each employee meets minimum state credentialing requirements and carries professional and general liability insurance. The Uniform Disciplinary Act governs the

issuance and denial of registration and discipline of registrants. The director is the disciplinary authority.

The director must make an assessment of the nursing pool registration program, including recommended minimum standards, and report to the Legislature by July 1, 1989.

Votes on Final Passage:

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

Effective: June 9, 1988

HB 1796

C 123 L 88

By Representatives Padden, Winsley, Brough and D. Sommers

Requiring specific access service for "976" information-access telephone services.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: Information access telephone services ("976 services") are in widespread use in the state. These services operate on a charge per call basis, with some services also charging based on the duration of the call.

Some service users, especially children, may not know about the charges. Huge telephone bills may be accrued without parents' knowledge. Moreover, people who object to certain services would like the option to preclude access to these services.

Summary: By October 1, 1988 the Utilities and Transportation Commission must by rule require telecommunications companies that offer information access telephone services ("976 services") to also provide services that block access to these services. Telephone subscribers must be informed of the availability of the blocking service. By October 1, 1988 the commission will report to the Senate and House Energy and Utilities Committees on methods to protect minors from access to objectionable information access telephone services.

Votes on Final Passage:

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

Effective: June 9, 1988

HB 1813

C 57 L 88

By Representatives Rasmussen, Prince, Basich,
Nealey, Grant, Silver, Bristow, Chandler and Crane

*Changing the custodian of the revolving fund for the
agriculture research facility at the Rainier school
farm at Washington State University.*

House Committee on Agriculture & Rural Develop-
ment

Senate Committee on Agriculture

Background: Washington State University (WSU) operates a dairy and research facility at the Rainier school farm. Funds generated through the operation of this facility are deposited in the Dairy/Forage Facility Revolving Fund, which is not subject to appropriation. Although the Fund is in the custody of the State Treasurer, monies from the Fund are disbursed by WSU.

Summary: The Dairy/Forage Facility Revolving Fund managed by Washington State University is no longer in the custody of the State Treasurer.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: March 15, 1988

SHB 1817

C 179 L 88

By Committee on Transportation (originally sponsored by Representatives Hine, Patrick, Walk, Cantwell, Ferguson, Allen, Holland, May, P. King and Todd)

Facilitating public and private funding of local transportation improvements.

House Committee on Transportation

Senate Committee on Transportation

Background: Prior to the enactment of Engrossed House Bill 396 in 1987, cities and counties were limited in their authority to address regional traffic needs in a comprehensive manner, particularly in areas of rapid economic growth. In addition, those agencies were also limited in their ability to require of developers in an area, financial assistance to fund offsite transportation improvements necessitated by their developments. State law prohibited the imposition of development fees; however voluntary agreements to mitigate the effect of developments were, and still are,

allowed. The principal method local governments use to address off-site mitigation is the State Environmental Policy Act. Local governments approve development applications only after provision is made for off-site impacts to be mitigated.

The Legislature in 1987 authorized cities and counties to establish transportation benefit districts (TBDs) to fund those capital improvements to city streets, county roads, and state highways, necessitated by economic development. Districts are authorized to address road problems crossing local government jurisdictional boundaries. Several funding sources were authorized for TBD projects including Local Improvement Districts (LIDs), property tax levies, general obligation bond authority, and the imposition of impact fees.

At the same time the TBD statute was being enacted, a task force of the King County Economic Development Council was drafting legislation to authorize cities and counties to implement programs for joint public and private funding of transportation improvements required because of development and growth. The results of that effort have been incorporated into the "Local Transportation Act of 1988."

Certain local governments currently require "no protest" agreements from property owners to facilitate formation of LIDs or Road Improvement Districts (RIDs). These agreements allow property owners to waive their right to protest the formation of the district. There is no requirement that these agreements be recorded, nor is a time limit specified for the agreements.

Private parties that initiate the formation of LIDs and RIDs are at risk for the costs of preparing engineering plans, surveys, studies and other expenses. Similarly, there is currently no provision for reimbursement by property owners in an LID or an RID to other property owners who agree to fund their share of a project.

A city or county may contract with real estate owners for improvement of streets that the owners elect to install as a prerequisite to development. The contract may provide for the partial reimbursement by other property owners in an area who later develop benefited property (latecomers). Announcement to the affected property owners of area boundaries and preliminary assessments are required to be mailed by registered mail.

Summary: Cities, counties and transportation benefit districts are authorized to establish, by ordinance, transportation funding programs. These programs may be within all or part of their respective jurisdictions, and are to fund, from public and private sources, transportation improvements necessitated by economic

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development and growth. Each program must contain: identification of geographic boundaries; a comprehensive, long-term transportation plan describing planned transportation improvements; establishment of a six-year public capital funding program; provision for transportation impact fees to be imposed on new developments; description of formula for determining impact fees and the process for collection; and administrative provisions including appeals of assessments and program amendment.

Impact fees may be assessed by local governments to fund off-site transportation projects needed to mitigate the impact of development. Credit against impact assessments must be given for off-site land donations and offsite improvements to transportation facilities that are part of the transportation program. Impact fees cannot be imposed when mitigation for the same off-site transportation impacts is imposed under any other government programs.

Local governments that adopt a transportation funding program are prohibited from using voluntary agreements with developers to fund off-site transportation improvements within the area addressed by the program.

Transportation benefit districts that impose impact fees on private development must do so in accordance with the provisions of this act. Fees charged pursuant to this act are not subject to the prohibition against impact fees contained in RCW 82.02.020.

In the formation of LIDs and RIDs, "no protest" agreements must be recorded in order to be effective. Cities or counties forming districts are authorized to reimburse property owners, from district funds, for pre-formation expenditures incurred in forming the district. This includes preparation of engineering plans, surveys, studies, appraisals and other expenses.

A latecomer's financing mechanism is permitted that allows one or more property owners to pay the LID or RID assessments for owners of undeveloped or underdeveloped properties, with such payments to be reimbursed as those properties are developed. Cities and counties are required, in setting LID and RID assessments for transportation improvements, to give credit to property owners for transportation impact fees imposed under their respective transportation programs, if any.

The requirement that preliminary boundary descriptions and preliminary assessments for private contracts for street construction projects be sent by registered mail is changed to certified mail.

Votes on Final Passage:

House	92	0	
Senate	47	1	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	46	2
House	97	0

Effective: June 9, 1988

HB 1833

C 196 L 88

By Representatives Dorn, Butterfield, Jones, Nealey, Rayburn, Rasmussen, Fox, Hine, Haugen, Sanders, Ferguson and D. Sommers

Revising provisions for a mayor pro tempore.

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Towns generally are governed by an elected mayor and a five member city council.

A mayor pro tempore may be chosen by a town council from one of its members to act for the mayor in the mayor's absence, but the person chosen as mayor pro tempore only retains this position for the day on which he or she is chosen.

Summary: A town council may chose a council member to act as the mayor in the absence of the mayor (mayor pro tempore) for a specified period of time, not to exceed six months.

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: June 9, 1988

2SHB 1835

C 42 L 88

By Committee on Ways & Means (originally sponsored by Representatives Grant, Hankins, Jesernig, Brooks, Meyers, Ballard, Hine, Rayburn, Sayan, Silver, Appelwick, Moyer, Ebersole, Nealey, Dellwo, Miller, Jacobsen, S. Wilson, Grimm, Chandler, Fuhrman, Schoon, B. Williams, Ferguson, Doty, Day, Basich, P. King, Anderson, Pruitt and Todd)

Providing for economic diversification in the Tri-Cities.

House Committee on Trade & Economic Development

Senate Committee on Economic Development &
Labor

Background: The Hanford Nuclear Reactor was originally scheduled to cease plutonium production in the mid-1990s. The United States Department of Energy announced early in 1988 that the facility will not be restarted. The Department of Energy predicts that 8,000 jobs will be lost in Washington state by 1991 as a result of the closure of the reactor, and the total employment loss is expected to be 13,800 jobs by 1996. Employment at Hanford accounts for approximately 27 percent of all non-farm employment, 45 percent of the non-farm payroll and 75 percent of the industrial labor base of the Tri-Cities area.

The Legislature directed the state Department of Trade and Economic Development to undertake a study of economic diversification options for the Tri-Cities area in 1987, focusing on methods of utilizing the Tri-Cities economic development assets to diversify the regional economy. The study was also to examine potential markets for Tri-Cities services and products, the transfer of new technologies to commercial production, and higher education capacity in the region.

Summary: The Department of Trade and Economic Development is directed to undertake economic diversification activities in the Tri-Cities area and to designate a project manager to coordinate such activities. A 15-member Tri-Cities diversification board, appointed by the governor, is established to review diversification proposals presented by the department.

The Department of Trade and Economic Development is responsible for oversight and implementation of state activities to encourage the diversification of the Tri-Cities economy. The department is also directed to act as liaison with local governments, the federal government and financial institutions to address the financing and other needs in the region.

The department is directed to contract with local organizations or agencies for economic diversification activities, after consultation with the diversification board, such as a regional export program, a local import substitution program, regional business and job retention efforts, enhancement of small business incubator activities, and targeted business recruiting and business development efforts.

The Department of Trade and Economic Development is directed to contract with local organizations, after consultation with the diversification board, to establish a regional agribusiness development program.

The Department of Community Development is directed to enhance its services and programs in the Tri-Cities region.

Funds are appropriated to Washington State University for new faculty at the Tri-Cities University Center in the field of business development and agribusiness development and additional funds are appropriated to the university for faculty and equipment for wine industry research and for a high-capacity telecommunications link between the Tri-Cities University Center and Washington State University.

The Department of Trade and Economic Development is directed to undertake a study through the Tri-Cities University Center on the feasibility of using heat generated by existing nuclear facilities for commercial industrial applications. State funds are not to exceed one-third of the federal funds provided for the study.

The Employment Security Department is directed to provide enhanced retraining, support services and job search assistance to dislocated workers in the Tri-Cities region. The department is also directed to subcontract with local organizations to provide expanded services to dislocated workers, older unemployed workers and the long-term unemployed, including credit counseling, social services, counseling and medical services.

Liability for civil damages of persons assisting in development of local hazardous materials incidents response plans is limited to cases of gross negligence or wilful misconduct.

Eligibility for the distressed area sales tax deferral program, the distressed area business and occupation tax credit program, and the Development Loan Fund are expanded to permit their continued use in the entire Tri-Cities area. The expansion of eligibility for these programs is limited to applications filed prior to April 30, 1989.

Votes on Final Passage:

House	95	2	
Senate	46	1	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	48	0
House	95	2

Effective: March 15, 1988

HB 1836

C 170 L 88

By Representatives Hargrove, Wineberry, Schoon, Vekich, Braddock, Brekke, Sanders, Winsley, Lewis and Todd

Encouraging economic self-sufficiency through self-employment of families receiving aid to families with dependent children.

House Committee on Trade & Economic Development
Senate Committee on Economic Development & Labor

Background: The success of European programs established in the 1980's, such as the Enterprise Allowance Scheme in the United Kingdom and Chomeurs Createurs D'Enterprise in France, which permit the use of transfer payments by recipients to initiate small businesses, has resulted in growing interest in similar programs by state governments. The federal Department of Labor is operating a demonstration project in which state governments are permitted to continue to pay unemployment compensation to unemployed persons attempting to establish their own businesses. The project provides participants with lump sum payments equivalent to their unemployment insurance entitlement to use as seed capital for small businesses. Washington is one of the states involved in this demonstration project. State efforts are managed by the Employment Security Department.

A similar multi-state self-employment demonstration project is being initiated to establish whether self-employment can provide a route to self-sufficiency for a significant number of welfare recipients, and whether effective support systems for such self-employment can be established. The project currently includes Iowa, Michigan, Minnesota, Mississippi, New York, New Jersey and Wisconsin. State program participation requires waivers under the Social Security Act. Key elements include the maintenance of Medicaid and Food Stamps for participants for one year.

Summary: The secretary of the Department of Social and Health Services is directed to seek a federal waiver to permit recipients of Aid to Families with Dependent Children to become self-employed. If the waivers are obtained, the department is directed to adopt rules to allow recipients to separate business assets from personal assets during a start-up period and to provide for deductions from income for business expenses, that are to include capital expenditures, payment on the principal of loans to the business, and reasonable amounts for cash reserves. The program is

to be operated in cooperation with the self-entrepreneurship demonstration project operated by the Employment Security Department.

Votes on Final Passage:

House	96	0	
Senate	49	0	(Senate amended)
House	90	0	(House concurred)

Effective: June 9, 1988

SHB 1845

C 223 L 88

By Committee on State Government (originally sponsored by Representatives Anderson, Brough, Wineberry, Winsley, Moyer, H. Sommers and Brekke)

Revoking concealed pistol licenses of persons carrying them while under the influence of drugs or alcohol.

House Committee on State Government
Senate Committee on Law & Justice

Background: A person is required to obtain a license to carry a concealed weapon outside the person's home or place of business. This requirement does not apply to law enforcement officers, members of the armed services, members of gun or target shooting clubs on their way to a meeting, or individual hunters on a fishing, camping or hunting trip.

A person can be denied a license to carry a concealed pistol based on age, criminal status or mental status. None of these conditions makes a person permanently ineligible to obtain a license.

A firearm can be confiscated by order of a court under a variety of circumstances. One example is if a person possessing a concealed pistol is legally under the influence of drugs or alcohol and in a place where a concealed pistol license is required.

Under two instances a pistol license can be immediately revoked: when a person commits a crime that makes that person ineligible for a license or after a third violation of the license laws in a five-year period.

Summary: An individual who has had a firearm confiscated by order of the court due to being found both in a place where a concealed pistol license was required and legally under the influence of drugs or alcohol, is ineligible to receive a concealed pistol license for 1 year unless the license has been revoked for a longer period of time due to repeated confiscations.

A second confiscation leads to revocation of the individual's concealed pistol license for 2 years, and after the third confiscation and for all subsequent

confiscations, the license is revoked for 5 years. Such an individual may not reapply for a concealed pistol license until the period of revocation is ended.

All firearms that are legal for citizens to own, have been confiscated by order of the court and are no longer needed for evidence are to be sold at public auction to commercial dealers. Ten percent of confiscated firearms may be retained for use by local law enforcement agencies.

Any legal firearms that have been unclaimed and are in the possession of a municipal police department or county sheriff for a period of one year after proper public notice to the owner are to be sold under the same provisions as firearms confiscated by the court.

Auctioning agencies must maintain detailed public records of all confiscated firearms that are sold.

Votes on Final Passage:

House	73	23	
Senate	48	1	(Senate amended)
House	85	10	(House concurred)

Effective: June 9, 1988

SHB 1849

C 119 L 88

By Committee on Health Care (originally sponsored by Representatives Cantwell, Brooks, Braddock, Silver, Bristow, Grant, Sayan, Day, Dellwo, Lewis, Winsley, Fuhrman, Moyer, Doty, D. Sommers, Brekke and Brough)

Revising the office of the state long-term care ombudsman.

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

Background: Federal law requires all states to operate an ombudsman program. The program is required to investigate and resolve complaints regarding the health, safety, welfare and rights of residents of long-term care facilities. It also must act as an advocate in the implementation of public policy regarding long-term care facilities, provide public education and train volunteers to participate in ombudsman programs.

The state long-term care ombudsman program, established under state law and pursuant to the federal Older Americans Act, is currently administered by the Department of Social and Health Services. The secretary of the department is authorized to place the office in an area, within the department, that will allow it to be independent and to facilitate the ombudsman duties detailed under the Older Americans Act.

Summary: Instituting options outlined in the Older Americans Act, the Long-term Care Ombudsman program is transferred out of the Department of Social and Health Services and out of state government. The program is placed in an autonomous entity that will conduct its duties by contract. The Department of Community Development will act as the administrator for the contracted program. The relocation of the state long-term care program will become effective July 1, 1989.

Prior to the transfer of the program a survey and analysis will be conducted by the House of Representatives. The survey will identify the operational and administrative components necessary for a successful contracted program. The survey must be submitted to the governor and the Legislature by December 30th, 1988.

Votes on Final Passage:

House	96	2	
Senate	48	0	(Senate amended)
House			(House refused to concur)
Senate	44	1	(Senate receded)

Effective: December 30, 1988

SHB 1857

C 167 L 88

By Committee on Transportation (originally sponsored by Representatives Cantwell, Walk, S. Wilson, Patrick, Fisher, Zellinsky, Jones, Sanders and Todd)

Creating a transportation improvement board.

House Committee on Transportation
Senate Committee on Transportation

Background: Adequate transportation systems are vital to continued economic growth for Washington state. Businesses considering establishing operations in a new locale repeatedly list transportation as a major criteria in their location decision. The adequacy of the transportation system also impacts the expansion decisions of Washington's existing businesses.

The Urban Arterial Board (UAB) and the Urban Arterial Trust Account were formed in 1967 to address traffic congestion in urban areas. The UAB is composed of 13 members: six county and six city members, all appointed by the secretary of the Department of Transportation (DOT); and the state aid engineer of the DOT, who serves as chair. The department provides facilities and staff to the board.

Rapid economic development, especially in suburban areas, is creating severe traffic congestion problems that are not being addressed currently. In

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recognition of the importance of ensuring improved responsiveness of highway programming in areas of rapid economic development, the Legislative Transportation Committee chair, in 1986, convened the Task Force on Transportation/Economic Development Issues. One of the Task Force recommendations was creation of a new board to deal with multi-jurisdictional congestion problems that included local government and/or private financial participation.

Summary: The Transportation Improvement Board (TIB) is created. It is composed of six county representatives, six city representatives, and three Department of Transportation (DOT) representatives. Appointment of city and county members is by the Secretary of the Department of Transportation, from a list of two nominees for each position submitted by the Washington Association of Counties and Association of Washington Cities, respectively. Members serve four-year terms, staggered, with initial appointments to be made by July 1, 1988.

The TIB is the successor to the Urban Arterial Board and assumes all of its obligations, duties and powers. Staffing and facilities are no longer provided by DOT but by the TIB from Urban Arterial Trust Account (UATA) funds. Eligibility for UATA funds remains unchanged.

The Transportation Improvement Account (TIA) is created and is administered by the TIB. Allocation of funds in the account shall be made by June 30 each year.

Eighty-seven percent is to be distributed for counties, cities with over 5,000 population, and transportation benefit districts for county, city, multi-agency and suburban arterial improvement projects. Projects must be consistent with state, regional, local and rail (when developed by the Rail Development Commission) transportation plans and consideration must be given the project's relationship, both actual and potential, with rapid mass transit; necessitated by existing or reasonably foreseeable congestion attributable to economic development or growth; and partially funded by local government and/or private contributions. The TIB is to give priority consideration to those projects having met the above criteria that have the greatest percentage, on a project basis, of local and/or private contribution.

As determined by the TIB 13 percent is to be distributed to cities under 5,000 population.

The TIB is required to report to the Legislative Transportation Committee by January 15, 1989 and annually thereafter.

Votes on Final Passage:

House	94	0	
Senate	48	0	(Senate amended)
House			(House refused to concur)
Senate	46	0	(Senate receded)

Effective: June 9, 1988

SHB 1862

C 75 L 88

By Committee on Natural Resources (originally sponsored by Representatives Cole, Winsley, Sayan, Basich, Scott, Holland, Lux, Wineberry, Belcher, Nutley, Walker, Valle, Haugen, Dorn, Locke, Spanel, Anderson, K. Wilson, Jacobsen, Brekke, Nelson, Leonard and Fisher)

Providing for plans for the use of local beaches.

House Committee on Natural Resources
Senate Committee on Environment & Natural Resources

Background: Washington's ocean beaches have been used as highways for centuries. In recognition of their importance, in the early 1900's the Washington Legislature declared ocean beaches to be public highways that shall remain forever open for public use.

In more recent times, the ocean beaches have grown in popularity as recreational areas. In 1967, the recreational value of the beaches was recognized by the Legislature, and a Seashore Conservation Area was established consisting of all state-owned and controlled ocean beaches. The act mandated that the beaches be preserved in their present states, be maintained in the best possible condition for public use, and that all forms of outdoor recreation be permitted, unless specifically excluded or limited by the state Parks and Recreation Commission.

The potential for conflict between motorized vehicles and other ocean resources and uses, such as clam beds and pedestrian use, was recognized in the act. The Parks and Recreation Commission was provided the authority to place restrictions on vehicle use. In two recent court cases, judges have ruled that the commission's authority is limited to temporary vehicle closures to protect specified resources.

As the number of pedestrians and vehicles using the beaches has increased, a growing number of individuals have argued that driving should be prohibited on the beaches. As a result, a number of different legislative bills have been introduced to permanently close all, or specified stretches of the beaches to vehicle use.

Beach driving currently occurs, with several exceptions, from the southern boundary of the Quinault Indian Reservation to the Columbia River.

Summary: The development of Recreational Management Plans is mandated. The plans are to be written by coastal cities and counties, with the state Parks and Recreation Commission having final approval authority. If a local government does not submit a plan to the commission by September 1, 1989, the commission will develop a plan for the beach under the local government's jurisdiction.

The plans must reserve 40 percent of the land area subject to the plan for pedestrian use from April 15 to the day after Labor Day. If local governments desire, more than 40 percent of the plan's land area may be reserved for pedestrian use. Pedestrian use is defined as non-motorized use.

Exceptions may be made to: facilitate clam digging; accommodate organized recreational events of not more than seven consecutive days; provide for wood removal; and accommodate the removal of sand in certain cases.

When developing and approving the plans, local governments and the commission shall consider public safety, the state-wide interest in the recreational use of the ocean beaches, the protection of vegetation and habitat, economic impacts, public access, and parking.

The state Parks and Recreation Commission may require that plans allow only pedestrian use on lands adjoining national wildlife refuges and state parks. These closures to motorized use may be included in a plan's 40 percent pedestrian-use requirement.

The adoption of a single plan for each of the three ocean beaches (North Beach, South Beach, and Long Beach) is encouraged. Local governments with jurisdiction on the same beach may cooperatively develop one plan for their respective beach.

Procedures are provided for amending a plan and for appealing the commission's decision on a plan.

Votes on Final Passage:

House	80	12
Senate	46	2

Effective: January 1, 1989

SHB 1883
PARTIAL VETO
C 287 L 88

By Committee on Transportation (originally sponsored by Representatives Walk and Prince)

Adjusting the scope of vehicle dealer regulations.

House Committee on Transportation
Senate Committee on Transportation

Background: In 1986 the Legislature revised many of the requirements of vehicle dealers. The significant changes came in the form of increased requirements upon dealers with respect to place of business and a better definition of who is required to be a licensed dealer. One requirement states that if a person sells more than five vehicles in a year or is involved in dealer activities a person is required to get a dealer's license.

An exemption was created in both the dealer definition and licensing requirements sections allowing financial institutions to sell vehicles.

Prior to the 1986 law, financial institutions had been authorized to sell vehicles that had been foreclosed on or repossessed.

Summary: The definition of dealer activity is clarified, and the brokering of new vehicles in this state is prohibited.

Language is added that clarifies that financial institutions may continue to sell their own vehicles, repossessions and vehicles at the end of a lease period.

Language is added to ascertain that financial institutions may cooperate with dealers licensed in Washington in organizing, promoting and financing dealer sales and leases.

Votes on Final Passage:

House	94	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 9, 1988

Partial Veto Summary: The governor vetoed Section 3 of the bill. Section 3 would have prohibited leasing companies, and new car dealers who wish to lease other makes of vehicles outside of their franchise agreements, from leasing those new cars with an option to purchase. Current law requires anyone in the business of selling new vehicles to provide the Department of Licensing with a copy of its current factory service agreement with the manufacturer or distributor.

In addition, Section 3 would have prohibited the practice of buyer's agents. These agents negotiate vehicle purchases on behalf of the consumer for a fee. (See VETO MESSAGE)

HB 1884

C 229 L 88

By Representatives Prince, Nealey and D. Sommers

Permitting legal loads from other states to move in border areas.

House Committee on Transportation
Senate Committee on Transportation

Background: The Ports of Lewiston, Clarkston and Whitman are located within close proximity on the Washington/Idaho border. All three Ports barge logs down the Snake and Columbia Rivers to Portland for export.

The state of Idaho allows log haulers to carry weights greater than allowed in Washington. A log truck can carry an additional 3,800 pounds on a tandem axle when operating in the state of Idaho. The legal limit for a tandem in Idaho is 37,800; in Washington the limit is 34,000. Because logs are a reducible load, an Idaho truck driver is required to reduce the load when transporting logs to the Ports of Whitman and Clarkston. Therefore, Idaho log haulers find it more convenient to drop their logs at the Port of Lewiston. For the state of Washington, this represents a potential loss of income.

The state provides funds for law enforcement and traffic control in communities near the Canadian border. By appropriation, Whatcom County and the cities of Blaine, Everson, Friday Harbor, Lynden, Nooksack, Northport, Oroville, Port Angeles and Sumas currently receive approximately \$250,000 per biennium for border law enforcement activities. Because funds are allocated by appropriation, no constant funding source is provided to the communities along the international border.

Summary: Legal loads of up to 80,000 pounds in a bordering state that imposes a sales tax may be legally transported to a port district in the state of Washington if the movement is within four miles of the bordering state. Such movements are not allowed on the Interstate system. Triple trailers are not allowed to operate within the four-mile area.

The border law enforcement funding source is changed from a General Fund appropriation to a percentage of the revenues in the Liquor Revolving Fund. Three-tenths of one percent in state liquor profits is allocated to defined border areas prior to distribution to the General Fund and other eligible counties, cities and towns. The border law enforcement distribution is made by the Department of Community Development,

based on border traffic and the impact on law enforcement along the border. These provisions take effect July 1, 1989.

Votes on Final Passage:

House	96	0	
Senate	44	3	(Senate amended)
Senate	42	1	(Senate receded)
House	92	0	

Effective: June 9, 1988

SHB 1915

C 252 L 88

By Committee on Ways & Means/Appropriations (originally sponsored by Representatives Ebersole, Appelwick, Peery, Holm, Pruitt, Rasmussen and Todd)

Specifying school district levy bases and levy reduction funds.

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

Background: Some school districts have "grandfather" levy authority that allows them to impose maintenance and operations levies equivalent to more than 20 percent of their state and federal allocations. Under 1987 legislation, these "grandfather" levies would be phased down to the 20 percent lid only if state funding for programs in the levy base were enhanced.

During the 1987 legislative session, funds were appropriated for a new program of local education program enhancement. These funds were included in the base for calculation of the levy lid, but no specific reference was made to these funds as levy reduction funds. These funds were considered levy reduction funds, however, because they fell within the definition of levy reduction funds and did not fall within the definition of excluded funds. Under the 1987 statute, "levy reduction funds" are any increases for programs included in the levy base, that are not attributable to enrollment or workload, compensation increases, or inflation.

Summary: State funding increases that were added in the 1987-88 school year may be used to reduce the levy authority of districts having levies between 20 and 30 percent only if they fall within the definition of levy reduction funds adopted by the Superintendent of Public Instruction prior to March 1, 1988. Specifically, state allocation of local education program enhancement funds in 1987-88 are not levy reduction funds.

For levies to be collected in 1989 and thereafter, levy reduction funds are the difference between the state funding formulas for the prior school year and the current school year, as applied to the current school year's population, salary, benefits, and cost inflation levels.

Votes on Final Passage:

House	90	3	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

Effective: June 9, 1988

HB 1951

C 262 L 88

By Representatives Nutley, Peery, Butterfield, Cooper, Ferguson, Lux, Sutherland, Vekich and D. Sommers

Providing rate review exemption for certain hospitals.

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

Background: State law requires that hospital rates, or discounts, be "... cost justified and do not result in any shifting of cost to other payers or purchasers...." Hospital rates are subject to review and approval by the Washington State Hospital Commission. Several hospitals in border areas of the state are in competition with hospitals in other states that are not subject to rate review.

Summary: Any hospital in Washington state is exempted from the Hospital Commission's rate review and approval process if it is located within 15 miles of one or more hospitals located in a jurisdiction that is not subject to rate review and approval, and hospitals not subject to review or approval have the capacity of absorbing 25 percent or more of the exempted Washington state hospital patients.

Exempted hospitals are required to submit pertinent information to the commission on a timely basis.

This exemption provision expires June 30, 1991.

Votes on Final Passage:

House	83	11	
Senate	41	7	(Senate amended)
House	89	3	(House concurred)

Effective: June 9, 1988

SHB 1952

C 78 L 88

By Committee on Trade & Economic Development (originally sponsored by Representatives Pruitt, Vekich, Heavey, Holm, Sanders and Doty)

Requiring that special effort be made by the conservation corps to recruit residents with sensory, mental, or physical handicaps.

House Committee on Trade & Economic Development
Senate Committee on Economic Development & Labor

Background: The Washington Youth Conservation Corps was created to provide work experience and training for young people from the ages of 18 to 25. Participants in the corps work on the conservation, rehabilitation and enhancement of the state's natural, historic and recreational resources. Emphasis is given to projects relating to timber, fish and wildlife management plans, watershed management plans, the 1989 centennial celebration, Puget Sound water quality, the U.S.-Canada fisheries treaty and recreational facilities that provide public access to and environmental education about natural resources.

Projects are selected by the Washington Conservation Corps Coordinating Council. The council is composed of representatives from the following state agencies: Employment Security, Ecology, Wildlife, Fisheries, Natural Resources, Agriculture and Parks and Recreation.

Summary: The upper age requirement for participation in the Washington Youth Conservation Corps may be waived for participants who have a sensory or mental handicap.

Votes on Final Passage:

House	96	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 9, 1988

SHB 2038

C 107 L 88

By Committee on Ways & Means (originally sponsored by Representatives Sprenkle, Holland, Braddock, Brooks, Peery, Grimm and Locke)

Establishing the Washington state health care authority.

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

Background: Health and other forms of insurance benefits are currently provided to state employees through contracts negotiated by the State Employees Insurance Board (SEIB). The SEIB is composed of representatives of the governor, higher education faculty and administrators, the director of the Department of Personnel, employee unions and associations, retired persons and the legislature. Health benefits are provided with no premium contribution by the employee. The present contracts for health insurance for both the Uniform Plan (Blue Cross) and the Health Maintenance Organizations (HMOs) end June 30, 1988.

Summary: The Washington state health care authority is created as an independent agency with an administrator appointed by the governor. The State Employees Benefits Board is established within the authority. It is charged with the responsibility to design and approve insurance benefit plans for state employees. The board, to be appointed by the governor, will be composed of three representatives of state employees, three members with experience in health benefit management and cost containment, and the administrator. The administrator shall serve as chair.

The current State Employees Insurance Board (SEIB) will continue its present functions related to the upcoming health benefits contract to take effect July 1, 1988. The Office of Financial Management (OFM) will review and approve SEIB actions relating to the contract. SEIB will be abolished October 1, 1988 and all its staff and functions will transfer to the authority. After October 1, 1988 the new benefits board will be in place and the authority will assume responsibility for administering the insurance benefit contracts.

The State Employees Benefits Board will design and approve health care plans for state employees to take effect after the upcoming contracts end. These benefits would be provided through contracts with insurance carriers and Health Maintenance Organizations (HMOs) or through self-insurance. The contracts shall provide that participants may use equally the services of a variety of providers subject to appropriate utilization controls. Plans may include methods of maximizing cost containment while ensuring access to quality care. The authority will provide information and technical assistance to the board. Premium contributions from employees are authorized upon a vote of five members of the board. The board will assume SEIB's functions relating to the development of plans

for the provision of life, liability, accident, disability income and other forms of insurance.

The administrator will establish a bidding process, negotiate and administer the insurance contracts. Review of utilization and financial data will be required on a quarterly basis. The act specifies that all claims data shall be the property of the state.

The authority is authorized to utilize self-insurance as a means for providing insurance coverage. The authority must contract with outside entities for payment of claims and other administrative services. SEIB is authorized to self-insure the health benefit program for the contract period beginning July 1, 1988.

The authority will develop the technical capacity to review the other state health care purchasing programs and explore options for cost containment and delivery alternatives for these programs. The authority is to develop data systems to obtain utilization and other forms of data from all state health purchasing programs. A report is required by December 1, 1990 that reviews the state health purchasing programs and regulatory agencies and makes recommendations regarding coordination between programs and structural changes in the state's current health delivery system.

The authority will analyze the provision of health benefits to K - 12 employees and the cost savings resulting from integration of local school districts into benefit plans offered by the authority and report its findings to the Legislature by December 1, 1989.

A health care policy technical advisory board is established that will provide technical input to the authority regarding data collection and analysis of the state purchased health care programs and effective approaches to cost control, quality and access to health care. The technical advisory board, appointed by the administrator, will be composed of persons with interest and expertise in health care purchasing, delivery, or research and analysis, and include representatives of the following entities: private health care purchasers, health care providers, insurance carriers, HMOs, health care service contractors, state agencies that purchase health care, the insurance commissioner and health care consumers.

The insurance premium tax does not apply to premiums paid by the state prior to July 1, 1990 for purchase of medical and dental coverage through the SEIB and the authority. The Business and Occupation tax does not apply to amounts paid out for covered health services prior to July 1, 1990 by insurance companies under contract to the SEIB or the authority. These provisions take effect immediately.

The Authority may be established immediately and take necessary steps to ensure that the act can be fully

implemented October 1, 1988. The remainder of the act takes effect October 1, 1988.

Votes on Final Passage:

House	59	39	
Senate	26	23	(Senate amended)
House			(House refused to concur)
Senate	45	4	(Senate amended)
House	59	38	(House concurred)

Effective: June 9, 1988
 March 16, 1988 (Sections 13, 31-32, Section 36 Sub 1)

HB 2046

C 118 L 88

By Representative Grimm

Relating to hospital reimbursement.

Background: The 1987-89 Operating Budget assumed that the Department of Social and Health Services (DSHS) would begin purchasing hospital services through a new competitive bid process. Contractually agreed to competitive bids were expected to contain the growth of the medical assistance budget, saving at least \$14 million in state funds. The savings would result from two features of the new system. First, large segments of the hospital program would be restricted to the most efficient hospitals. Second, where the bidding process reduced the number of participating hospitals, these hospitals could reduce prices because the patient volume would increase.

Washington's Hospital Commission is authorized to review and approve all negotiated hospital rates. In 1987 the commission adopted a rule exempting DSHS negotiated hospital rates from commission review and approval.

On February 29, 1988 Thurston County Superior Court invalidated the Hospital Commission rule exempting DSHS negotiated rates from commission review and approval.

The court order placed the future of competitive contracting in doubt. Although the commission's rule supported the bid process the commission had opposed competitive bidding in a letter to the U.S. Department of Health and Human Services. In addition, in a disputed negotiated rate case (a 48 percent discount offered by Grays Harbor Hospital to Washington's Physicians Service), the commission was unable to reach consensus. These actions have raised serious questions regarding the commission's effectiveness. Further delays in implementing the bid process as a

result of the commission's indecision is estimated to cost \$1.2 million per month.

Summary: Hospitals are permitted to charge rates negotiated with, or established by, the Department of Social and Health Services (DSHS). Rates negotiated with DSHS are not subject to the commission's review and approval. It is clarified that nothing in the Hospital Commission's statutes limits the ability of DSHS to negotiate hospital rates pursuant to a federally approvable state plan under Title XIX of the federal Social Security Act (MEDICAID).

Votes on Final Passage:

House	67	29
Senate	27	22

Effective: March 18, 1988

HB 2057

PARTIAL VETO

C 1 L 88 E1

By Representatives Locke, Grimm, Bristow, and Hinc

Providing for public facilities.

Background: A study commissioned by the Joint Committee on the Convention and Trade Center indicated that the Washington State Convention and Trade Center (center) would yield a greater long term benefit to the state if the center were completed with full state funding and ownership rather than through a contemplated private/public partnership. The study also stated that the center would be a more competitive facility if it had additional meeting rooms. The study recommended that some of the proposed retail space be converted to provide 55,000 to 60,000 square feet of additional meeting rooms.

Design issues and a commitment to the City of Seattle to maintain certain public access and retail space in the center limit the amount of retail space that can be converted to meeting rooms. Another source of additional meeting room space is expansion in the upper (900 level) part of the facility.

The special excise tax on hotel and motel room rentals is levied at 5 percent in Seattle and 2 percent in the rest of King County. A 1987 law provides that beginning in 1993 a surtax would be imposed at the level necessary to fund the center operating deficit. The surtax is capped at 40 percent (i.e., 2 percent in Seattle and 0.8 percent in surrounding King County).

Construction is normally financed by issuing bonds. In the past, general obligation bonds reimbursed from

hotel/motel tax revenues have been issued for the center.

The center is authorized to borrow from the general fund or treasury for both debt retirement and operating costs. Issuing additional bonds means higher debt retirement costs and, therefore, additional center borrowing until hotel/motel tax revenues are sufficient to cover both debt retirement and the center operating deficit. Raising the hotel/motel tax would reduce the need for this borrowing.

The center is also permitted to borrow for capital costs. The statute states that it is the intent of the Legislature that \$28 million of borrowed funds be repaid from funds received from a private developer and requires that borrowing for this purpose be repaid by the end of fiscal year 1989.

The study commissioned by the Joint Committee also recommended additional money for center marketing, with the additional money funded from an increase in the hotel/motel tax dedicated to this purpose.

The center is located adjacent to land and a building together known as the McKay Parcel. The center is obligated to sell the McKay Parcel for at least \$10.4 million by 1991 and turn the proceeds over to the federal government and an industrial insurance company. Alternatively, the center could turn the property over to the federal government and industrial insurance company in 1991. Finally, the state could itself buy the McKay Parcel for \$10.4 million. The center has authority to buy and sell property.

Local governments are authorized to construct and maintain various public facilities to meet the needs of their citizens. Public facilities are traditionally financed through local taxes, user charges and state and federal grants.

State law authorizes the creation of convention and stadium districts in any county after public hearings and approval by the voters. These districts may construct convention and public stadiums. Regular property tax levies of \$.25 per \$1,000 of assessed valuation for six years are authorized with voter approval. Special or "excess" levies are authorized with voter approval.

State law limits the revenue sources and individual tax rates of all local governments. For large and expensive capital projects a local government may not have adequate revenues to either retire bonds or to pay for such a project on a "pay as you go" basis. Three large capital projects are being contemplated by local governments whose revenue sources may not be adequate: in Pierce County an aquatic indoor swimming facility for the Goodwill Games; in Spokane County a

convention/coliseum facility; and in Thurston County an Olympic Academy.

Cities, towns and counties are authorized to levy a special excise tax of up to 2 percent on the lodging receipts of hotels and motels. Except in King County these tax revenues must be used for constructing or operating stadium facilities, convention center facilities, performing arts center facilities, visual arts center facilities or paying for tourism promotion activities. In King County those revenues may only be used for debt service on the Kingdome and new capital improvements to the Kingdome.

This local optional 2 percent hotel/motel tax is separate and distinct from the "Seattle Convention and Trade Center hotel/motel tax" of 5 percent in Seattle and 2 percent in the rest of King County and the optional 3 percent hotel/motel tax for convention facilities in Bellevue. Revenues collected by the cities, towns and counties imposing the 2 percent hotel/motel tax are deducted from the state sales tax. The special 3 percent tax for the City of Bellevue is not a credit against the state sales tax.

Summary: Appropriation. The appropriation from the State Convention and Trade center capital account is increased to include the following:

- o \$20 million to complete construction of the facility (already in statute)
 - o \$13.0 million for conversion of retail space to additional meeting rooms
 - o \$300,000 to secure the Eagles Building
 - o \$13.3 million for expansion in the 900 level area of the facility
 - o \$10.4 million for purchase of the McKay parcel
- TOTAL: \$57.0 million

Bonds. General obligation bonds, to be repaid from the hotel/motel tax, are authorized to fund the appropriations.

Hotel/Motel Tax. The hotel/motel tax surcharge is deleted. The hotel/motel tax rates are changed to the following:

	SEATTLE	SURROUNDING KING COUNTY
Through June 30, 1988	5%	2%
July 1, 1988 through Dec. 31, 1992	6%	2.4%
Jan. 1, 1993 through date when borrowing for debt service and operating deficit ends	7%	2.8%
Thereafter	6%	2.4%

Marketing. The Legislature intends that revenue from the 1 percent increase in the Hotel/Motel Tax be used for marketing.

Borrowing. The Legislature intends that \$20 million of capital borrowing is to be repaid from additional bonds (backed by hotel/motel tax) rather than from funds received from a private developer. The deadline for repayment of capital borrowing is changed from the end of fiscal year (FY) 1989 to the end of FY 1991.

Property Transfers. All center acquisitions or transfers of real property, including the McKay parcel, are required to be approved by the Director of Financial Management in consultation with the chairs of House and Senate Ways and Means Committees.

A "public facilities district" is authorized to be created in Spokane County by the City and County of Spokane. The district must encompass the entire county. The district may be created only with a favorable majority vote of the people in the district after a public hearing has been held. A five member board is created. Two members are to be appointed by the county and two members are to be appointed by the city. The fifth member is to be appointed by the other four members.

A 2 percent countywide hotel/motel tax is authorized for the district. A surcharge of up to \$.50 on admissions is authorized for the district. Proceeds from these two taxes are to be used for the acquisition, construction and operation of a Spokane sports, trade and coliseum facility. A special or "excess" property tax levy is authorized with voter approval for district use.

Debt capacity of 3/8 of 1 percent of the district's assessed valuation is authorized without voter approval and an additional debt capacity of 1-1/4 percent of the district's assessed valuation is authorized with voter approval.

A total of \$1 million is appropriated to the Department of Community Development for the Spokane convention, sports, entertainment and trade facility. This money may not be spent until a district has been created. If by December 31, 1991 all local bonds necessary for the construction of the facility have not been authorized, the district is required to repay the appropriation plus interest.

The legislative authorities of Pierce and Thurston Counties are authorized to impose an additional 3 percent hotel/motel tax. The tax is not a credit against the state sales tax. The purposes of the revenues are limited to constructing and maintaining an indoor aquatic pool in Pierce County and an Olympic Academy in Thurston County. Revenues from the 3 percent tax may not be used to acquire or construct a zero grade beach, wave pool or water slide as a part of the aquatic facility in Pierce County.

A 2 percent hotel/motel tax is authorized for Yakima County and the cities in Yakima County. The county may not impose its tax until at least one-half of the incorporated population has imposed the tax. This tax is not a credit against the state sales tax. A 3 percent hotel/motel tax is authorized for the city of Ocean Shores. This tax is not a credit against the state sales tax. The city of Bellevue is authorized to use the proceeds from their special 3 percent hotel/motel tax for bonded indebtedness. The statutorily authorized uses of hotel/motel tax revenues are altered to include a steam railway for tourist promotion purposes in Lewis County.

Votes on Final Passage:

House	71	25	
Senate	30	17	(Senate amended)
House	68	23	(House concurred)

Effective: March 23, 1988

Partial Veto Summary: Vetoed is a subsection that would have prohibited Pierce County from using receipts from the county's hotel/motel tax for water slides, wave parks or zero grade beaches. (See VETO MESSAGE)

HJR 4222

By Representatives Holland, Appelwick, Taylor, Grimm, Silver, Braddock, Fuhrman, Bristow, Nealey, Valle, Padden, Brough, McLean, Basich, Schoon, H. Sommers, Winsley, May, B. Williams, Butterfield, Beck, Ballard, Lewis, J. Williams, Amondson, Sanders, Kremen, Betzoff, Miller, Hine, Holm and Cooper

Increasing the head of family personal property tax exemption.

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

Background: Article VII, Section 1 of the Washington State Constitution provides a personal property tax exemption of \$300 for each household. The constitutional provision grants authority to the Legislature to exempt personal property to the amount of \$300.

The \$300 exemption was approved in 1900.

Summary: If approved by the voters, Article VII, Section 1 of the Washington State Constitution is amended to authorize the Legislature to increase the personal property tax exemption from \$300 to \$3,000.

HJR 4222

Votes on Final Passage:

House	97	0
Senate	48	1

HJR 4223

By Representatives Nelson, Barnes, Jacobsen and Wang; by request of Washington State Energy Office

Extending and expanding the authorization for government utilities to lend money for energy conservation.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: In 1979 enabling public utilities to make residential energy conservation loans was considered a useful means to improve the electric energy supply outlook. To permit these loans a constitutional amendment was passed creating an exception to the general prohibition against loaning the state's credit. The amendment expires January 1, 1990.

Summary: The expiration date of the constitutional amendment authorizing public utility residential conservation loans is eliminated. Loan authority is expanded to include commercial and industrial customers. The loans may be used only for conservation purposes in existing structures and not for purposes that result in a customer converting from one energy source to another.

Votes on Final Passage:

House	94	0
Senate	33	16 (Senate amended)
House	94	0 (House concurred)

Effective: Upon approval by the voters of the state at the next general election.

SHJR 4231

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

Revising constitutional references to persons with mental or sensory disabilities.

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

Background: Provisions of the state's constitution contain language that, by today's standards, is denigrative to persons with sensory or mental disabilities.

Summary: A provision of the state's constitution that excludes "idiots" and "insane" persons from elective franchise is replaced with a provision excluding persons while they are judicially declared to be mentally incompetent. Another provision with similar references is changed to refer to state institutions for the benefit of persons with certain disabilities.

Votes on Final Passage:

House	96	0
Senate	46	0 (Senate amended)
House	94	0 (House concurred)

Effective: The constitutional amendments take effect if ratified by the voters at the November 1988 general election.

HCR 4402

By Representatives Basich, Haugen, S. Wilson, Sutherland, Sayan, K. Wilson, Spanel, Meyers, Hargrove, P. King and Jacobsen

Establishing Pacific Fisheries Task Force.

House Committee on Natural Resources
Senate Committee on Environment & Natural Resources

Background: The Pacific Fisheries Legislative Task Force was created in 1985. Its membership consists of two representatives and two senators from each member state. To date, the legislative bodies in California, Oregon, Idaho and Alaska have passed resolutions for joining the task force. Washington and Hawaii have pending legislation.

The task force serves as a clearinghouse for information regarding fishing in the Pacific Ocean. It also asks delegates to report their findings to their state legislators and congressional members.

Summary: The speaker of the Washington House of Representatives and the president of the Senate shall each appoint two members to attend meetings of the Pacific Fisheries Legislative Task Force.

Washington delegates must report back to the Legislature and to the congressional delegation on means of protecting and fostering Pacific Ocean fishing. Delegates may attend no more than four meetings per year.

Votes on Final Passage:

House	91	1
Senate	41	8

SHCR 4403

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

Providing for the development of rules to permit gillnet fishing during daylight hours.

House Committee on Natural Resources
Senate Committee on Environment & Natural Resources

Background: The Fraser River Area Sockeye Panel, an international governing body, regulates commercial fishing for sockeye salmon. Membership on the panel consists of U.S. and Canadian government fisheries management staff and commercial fishermen. The fishing takes place in the Strait of Juan de Fuca and the Strait of Georgia.

The two major gear groups, purse seiners and gillnetters, fish for sockeye salmon. Gillnetters fish during the hours of dusk to early morning and purse seiners fish during daylight hours only. In recent years the technology of gillnets has changed to permit successful daylight gillnetting. The change came when monofilament gillnets were developed and their use legalized.

Summary: The Department of Fisheries is requested by the Legislature to meet with the Fraser River Area Sockeye Panel and to explore the possibility of developing rules permitting daylight gillnetting for sockeye salmon. The rules would not alter the share of fish taken by either gillnet or purse seine fisherman.

Votes on Final Passage:

House	97	0	
Senate	47	1	(Senate amended)
House	94	0	(House concurred)

HCR 4460

By Representative Grimm

Establishing a joint select committee on school construction.

Background: Since 1985, the House of Representatives has had an informal study group reviewing issues related to school construction. This group included participation from the State Board of Education, the Office of the Superintendent of Public Instruction, the Washington Association of School Administrators, the Washington State School Directors' Association, and many others. The study group reviewed projections of revenues and needs for state matching funds for school construction, based on enrollment forecasts and the

age of existing facilities. These projections indicated that, without further action, the current backlog of school construction projects may be expected to grow substantially by the year 2000.

Summary: A joint select committee on school construction is established to develop options and recommendations for resolving funding shortfalls and other issues related to school construction. The committee shall have twelve voting members: four from the House of Representatives, four from the Senate, and four appointed by the Governor from executive branch agencies. The chairman of the joint select committee shall be one of the legislative members, chosen by vote of the legislators on the committee.

In addition, an advisory committee shall be appointed by the chairman to participate in the discussion and resolution of issues with the joint select committee. The advisory committee shall include five members from the business community, including representatives of organizations of major business leaders, and five members representing the school community and citizens' advocacy groups. Members of the advisory committee shall not be reimbursed for travel expenses and per diem.

The joint select committee is authorized to accept private donations to pay for consultants or other services needed.

The joint select committee shall report their findings and recommendations to the legislature on the first day of the 1989 legislative session.

SB 5016
PARTIAL VETO
 C 202 L 88

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

Revising terminology resulting from the Rules of Appellate Procedure.

Senate Committee on Judiciary
 House Committee on Judiciary

Background: There are statutory provisions which purport to govern all or part of the procedures for seeking review of a judicial proceeding. Virtually all of these statutes were enacted prior to 1976, the year the Supreme Court adopted the Rules of Appellate Procedure.

Statutes generally use the term "appeal" as a generic term to describe the process by which appellate review may be obtained, both as a matter of right and in the discretion of the reviewing court. Under Rule of Appellate Procedure 2.1, however, the word "appeal" is used only in situations where review is accorded as a matter of right. The term "review," on the other hand, covers both appeals and review by permission of the reviewing court, also known as "discretionary review." The statute's use of the term "appeal" in the generic sense to describe all forms of appellate review is therefore technically inaccurate and may lead to an inaccurate conclusion as to the extent of a party's right to seek review of a particular decision.

Summary: Statutes explicitly superseded by the Rules of Appellate Procedure are repealed. Terminology and substantive provisions in other statutes are conformed to the language and provisions of the Rules of Appellate Procedure.

The most common change deletes from the RCW phrases such as "appeals may be taken" and substitutes language such as "appellate review may be sought." References to "appeal" are repealed and the term "appellate review" is substituted.

Votes on Final Passage:

Senate 44 0
 House 96 0 (House amended)
 Senate 42 0 (Senate concurred)

Effective: June 9, 1988

Partial Veto Summary: The veto makes technical corrections by eliminating two sections which were repealed by other legislation enacted during the 1988 session. (See VETO MESSAGE)

SSB 5036
 C 115 L 88

By Committee on Environment & Natural Resources (originally sponsored by Senator Rasmussen)

Restricting sale of surplus salmon eggs by the department of fisheries.

Senate Committee on Environment & Natural Resources
 House Committee on Natural Resources

Background: The Department of Fisheries is authorized to sell surplus salmon eggs which are used primarily in salmon aquaculture and salmon in the round where the eggs are used for bait and caviar.

Salmon Egg Sales
 (excluding sales in the round)

		Number	Value
1985	Green	16,100,000	\$112,770
	Eyed	10,460,000	146,440
			\$259,200
1986	Green	25,612,900	\$179,290
	Eyed	9,045,000	\$126,630
			\$305,920
1987 (est)	Green	39,313,000	\$474,839
	Eyed	10,624,000	

In addition, three to four million pounds of fish are sold in the round each year including male salmon and female salmon with eggs.

There is concern that the department is selling salmon eggs that could be used for salmon propagation projects within watersheds and at hatcheries that are not at full productive capacity.

Summary: The Department of Fisheries will follow departmental egg transfer and disease control policies and will only sell eggs which cannot be used for enhancement and rehabilitation in Washington's waters. The Salmon Enhancement Advisory Council will review egg sales at each meeting.

Votes on Final Passage:

Senate 43 3
 House 96 0 (House amended)
 Senate 39 3 (Senate concurred)

Effective: June 9, 1988

SSB 5147
 C 16 L 88

By Committee on Transportation (originally sponsored by Senators Hansen, Rasmussen, Bauer, Barr, Patterson, Johnson and Pullen)

Repealing authority for public utility and transportation corridors.

Senate Committee on Transportation
House Committee on Transportation

Background: The United States Congress adopted a law in 1976 to encourage public acquisition and use of abandoned property. When a railroad determines that any of its properties are no longer economically viable and the Interstate Commerce Commission (ICC) authorizes their abandonment, the commission must determine whether such properties are suitable for public use. Congress enumerated public purposes as highways, other forms of mass transportation, conservation, energy production or transmission, and recreation.

If the ICC finds that the abandoned property is suitable for public use, an order is entered prohibiting any disposal of the property for a period of up to 180 days, unless the properties have been offered first, on reasonable terms, for public purpose sale. In attempting to take advantage of federal provisions, public entities acquiring abandoned rail rights of way frequently encounter legal claims from private parties seeking to enforce reversionary clauses or similar real property interests in the same property.

The 1984 Legislature declared it to be in the public interest that abandoned railroad operations properties should retain their public use character as utility and transportation corridors. Such properties were to be made available for public purposes including highways, other forms of mass transportation, conservation, energy production or transmission, and recreation.

In the event the ICC authorizes abandonment of railroad property, enters a finding of suitability for public use, and the property is acquired as a utility and transportation corridor, it is declared to continue its public use character. Such property would not be subject to reversion, adverse possession or other similar interests of third parties which might otherwise ripen on the cessation of railroad operations.

Property owners with reversionary rights to abutting railroad rights of way which have been or are likely to be abandoned challenged the constitutionality of the state legislation.

In 1986, the Washington State Supreme Court ruled that just compensation be given for the taking of property. In reaching its conclusion, the court determined that reversionary interests in land are vested property rights and may not be affected by legislation. An easement granted "for railroad purposes only" does not encompass recreational use and upon abandonment, the easement is extinguished and the property

reverts to the grantor free of the easement. The court also ruled that federal law in this area does not preempt state law regarding abandonment of railroad rights of way because property interests are determined by state law.

The public interest in maintaining railroad rights of way as public thoroughfares was not found to be unconstitutional. The court did reject any suggestion, however, that converting abandoned rail corridors to trails is a permissible change in use.

The practical effect of the case is that in order to acquire abandoned railroad rights of way, just compensation must be paid when the easement or grant is not broad enough to encompass recreational use, and there are ascertainable persons holding valid reversionary interests in the land.

Summary: State policy declaring it to be in the public interest that abandoned railroad corridors retain their public use character is clarified to specify that nothing authorizes a public agency or utility to acquire reversionary interests in public utility or transportation corridors without payment of just compensation.

Language is repealed which provides that a public utility and transportation corridor retains its public use character when owned by a public agency or utility and is not subject to reversion upon the cessation of railroad operations.

Votes on Final Passage:

Senate	45	0
House	90	8

Effective: June 9, 1988

SB 5229

C 49 L 88

By Senators Kreidler, Deccio, Sellar, Kiskaddon and Stratton; by request of Department of Social and Health Services

Revising the membership and duties of the state advisory committee to the department of social and health services.

Senate Committee on Children & Family Services
House Committee on Human Services

Background: The State Advisory Committee (SAC) to the Department of Social and Health Services (DSHS) was established in 1971. Its responsibilities are to advise the secretary regarding all matters pertaining to the department and to make recommendations regarding any changes deemed advisable.

The 1985 Legislature added biennial reviews of nonstatutory departmental and program specific advisory committees to the SAC's responsibilities. These reviews are to monitor each committee's goals and achievements within allotted time frames. The department has reported that since federal and state mandated committees are exempt from this review process only four of the agency's 41 committees are reviewed by the SAC, thus limiting the potential of the reviews.

The committee's 15 person membership includes one person from each of the six DSHS regional advisory committees. Terms are for four years.

Summary: The membership of the Department of Social and Health Services' State Advisory Committee (SAC) is changed from 15 to 20 members whose terms are shortened from four to three years. An unexpired term is considered a full term when half or more of the term is served.

The requirement that the committee include one member from each Regional Advisory Committee is deleted. Instead the SAC is required to encourage regional advisory committees to send a representative to meetings to foster communications between the regional and state advisory committees.

The SAC is required to review each of the 41 departmental advisory committees to determine if elimination or consolidation of these committees should occur. A report on this review is to be made to the appropriate legislative committees by January 1, 1989.

The SAC is directed to encourage public awareness and understanding of the department's programs and services.

Votes on Final Passage:

Senate	45	0	
House	98	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: June 9, 1988

SSB 5333

C 255 L 88

By Committee on Education (originally sponsored by Senators Gaspard, Bailey, Smitherman, Johnson, Stratton, Conner, Bauer, Kiskaddon, Hayner, Bottiger and Benitz)

Giving all members on the state board of education the authority to vote.

Senate Committee on Education
House Committee on Education

Background: The State Board of Education is comprised of 18 members. Two voting members from each congressional district are elected by the boards of directors of the school districts within the respective congressional districts. One nonvoting member is elected at large by the boards of directors of all approved private schools in the state. The Superintendent of Public Instruction is an ex officio member by virtue of his/her office and may vote only when action on a matter cannot be resolved without his/her vote.

Summary: The member of the State Board of Education representing approved private schools may not vote on matters affecting public schools. If there is a dispute as to whether an issue directly affects public schools, the dispute shall be settled by a majority vote of the other members of the board.

Votes on Final Passage:

Senate	43	2	
House	70	26	(House amended)
Senate	44	0	(Senate concurred)

Effective: June 9, 1988

2SSB 5378

C 276 L 88

By Committee on Health Care & Corrections (originally sponsored by Senators Wojahn and Kreidler)

Licensing laboratories conducting prenatal test.

Senate Committee on Health Care & Corrections and Committee on Ways & Means
House Committee on Health Care
House Committee on Ways & Means/Appropriations

Background: Scientific advancements in the area of genetic diagnosis have resulted in the development of prenatal tests for identifying congenital and heritable disorders. Some tests now available require substantial quality control measures in order to assure accuracy. Counseling for both physicians and patients is often necessary to fully understand test results and options available to address problems identified by the tests. One example of these tests is the maternal serum alpha-feto protein (AFP) screening test. State mandated quality control standards for laboratories performing these tests do not exist.

Summary: A data reporting program is created for laboratories performing prenatal tests. The program is established in the Department of Social and Health Service (DSHS). The Board of Health is directed to

review prenatal tests and recommend which shall be included in the data reporting program. DSHS shall enumerate these tests in rule. An advisory committee is formed to assist the department in the development of laboratory reporting rules. All persons licensed to provide prenatal care in the state are directed to provide information about the use and availability of prenatal tests to pregnant women within time limits prescribed by DSHS.

Effective January 1, 1990, every group disability contract, health care services contract and health maintenance organization agreement covering hospital, medical or surgical expenses and which provide pregnancy, childbirth and related medical conditions to enrollees shall offer benefits for prenatal diagnosis of congenital disorders if such services are deemed necessary by the insurance contractor or health maintenance organization in accordance with standards set in rule by the board.

Group health and disability insurance contractors or health maintenance organizations may not cancel, reduce, limit or otherwise alter or change insurance coverage as a result of the outcome of any prenatal test.

The laboratory reporting program shall expire on June 30, 1993, unless extended for an additional period of time.

Votes on Final Passage:

Senate	41	8	
House	92	1	(House amended)
Senate	38	6	(Senate concurred)

Effective: June 9, 1988
December 31, 1989 (Section 5)

SB 5451

C 30 L 88

By Senators Hansen, Patterson and Garrett

Changing requirements for operation of passenger charter carriers.

Senate Committee on Transportation
House Committee on Transportation

Background: The Utilities and Transportation Commission (UTC) regulates entry, fares, safety and insurance requirements of the intrastate passenger charter industry. Statutory provisions do not reflect industry practice. By rule, the commission defines a charter party served by a charter carrier as a group of

persons who, with a common purpose and under a single contract, have acquired exclusive use of a passenger-carrying motor vehicle to travel as a group to a specific destination.

Although the commission establishes tariffs for passenger charter carriers, charters do not provide regularly-scheduled service on fixed routes. The fare is based on the rental cost of the vehicle rather than individual rates. The commission also applies the public convenience and necessity test for entry into the field. The competitive nature of the current market, however, warrants relaxation of the entry standard.

The commission has no jurisdiction over interstate charters regulated by the Interstate Commerce Commission (ICC). Specific statutory authorization is needed to give the UTC jurisdiction over safety.

Summary: The authority of the Utilities and Transportation Committee (UTC) to regulate safety matters is expanded to include interstate and foreign carriers. The commission's authority to regulate tariffs is removed.

The commission is authorized to regulate interstate charters with respect to driver qualifications and safety. Interstate carriers with Interstate Commerce Commission (ICC) authority are required to register with the UTC if operated in the State of Washington. Interstate charters exempt from ICC regulation (charters under the control of the U.S. Secretary of the Interior that are used to transport passengers in and out of the national parks; school buses, hotel buses, etc.) are required to register.

A certificate is issued to an applicant who can prove that he or she is fit, willing and able to provide the service. The applicant must establish safety fitness and show proof of public liability and property damage insurance prior to issuance of a certificate. The charter bus insurance provisions established by rule are made statutory. An interstate charter that qualifies as a self-insurer with the ICC is exempt from the UTC insurance provisions so long as the policy remains in effect.

The intrastate application fee for a certificate of transfer is not to exceed \$200. Interstate charters are subject to a one-time \$25 registration fee. The annual regulatory fee is changed from a percentage of the annual gross operating revenue to an annual per vehicle fee established by rule. The annual regulatory fee cannot exceed the cost of supervising and regulating intra and interstate charter companies. The \$25 annual intrastate certificate renewal fee is repealed. The issuance of a temporary permit is discontinued.

Votes on Final Passage:

Senate 45 0
House 98 0

Effective: June 9, 1988

SSB 5558

C 210 L 88

By Committee on Higher Education (originally sponsored by Senators Gaspard, Bauer, Bailey, Smitherman, Benitz, Barr, McDonald, Bender, Craswell, Conner, Rasmussen, Kreidler, Williams, Hayner, Nelson, West and von Reichbauer)

Studying the provisions of Washington state scholars attending independent colleges or universities.

Senate Committee on Higher Education
House Committee on Higher Education

Background: The 1981 Legislature established the Washington State Scholars Program to provide recognition for three high school seniors in each legislative district who had outstanding academic records. The 1984 Legislature further provided that regional universities, state universities and The Evergreen State College would waive tuition, operating and service and activities fees for two years for recipients attending their respective institutions.

This waiver was expanded in 1986 to four years at the state universities, regional universities and The Evergreen State College and the community colleges were added to the institutions which could provide a waiver.

Summary: Washington State Scholars Program participants who attend an in-state independent college or university may receive a grant from the state if funds are available. The amount of each grant will not exceed annual tuition and services and activities fees rates for a full-time undergraduate at the research universities. The grant must be matched equally by the independent institution with either money or a waiver of fees. Students are eligible to receive the grant for a maximum of twelve quarters or eight semesters of undergraduate work. Theology students are not eligible for the grant.

Students are permitted to transfer among independent institutions of higher education with the grant. If students transfer to a state college or university, they will be entitled to receive a tuition waiver for the remainder of their period of eligibility. If students from a state college or university transfer to an independent institution, they will be entitled to a grant for the remainder of their period of eligibility. The total

grants or waivers for any one student will not exceed twelve quarters or eight semesters of undergraduate study.

In order to qualify for the waiver, a participant must enter an independent college within three years of high school graduation, and must maintain a minimum grade point average of 3.30 or the equivalent. If a student's cumulative grade point average falls below a 3.30 during the first year, the student may petition the Higher Education Coordinating Board for probationary status. The board has the authority to establish that probationary period, lasting until the student's grades meet the required standards.

The board is directed to adopt rules for disbursing the grants. A definition of "independent college or university" is included. In addition, the purposes of the Washington Scholars Program are revised to include permitting tuition and fee waivers at state institutions of higher education, and providing grants at in-state independent colleges and universities.

Votes on Final Passage:

Senate 43 5
House 96 2 (House amended)
Senate 36 12 (Senate concurred)

Effective: June 9, 1988

SSB 5586

C 121 L 88

By Committee on Economic Development & Labor (originally sponsored by Senators Lee, Tanner, West and Bauer; by request of Department of Labor and Industries)

Changing provisions relating to hours of labor.

Senate Committee on Economic Development & Labor
House Committee on Commerce & Labor

Background: Anyone who works on state or local road, bridge or building projects is limited to an eight-hour work day which may be extended in cases of extraordinary emergency such as danger to life or property. Overtime of time and one-half must be paid in such extensions. Any contractor or subcontractor who violates these provisions may be subjected to fine or imprisonment or both. All contracts with the state or local government must contain these provisions. The government may cancel any contract not performed in accordance with these requirements.

It is suggested that the prohibition of working more than eight hours a day limits the flexibility of workers and employers.

Summary: Contractors and subcontractors are authorized to enter into agreements with their workers which allow them to work up to ten hours per day for four days a week. The workers must approve any such agreement. Employees who agree to work four ten-hour days a week will not be paid overtime for the two hours each day which exceed the regular eight-hour workday.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: June 9, 1988

SSB 5595

C 240 L 88

By Committee on Economic Development & Labor
(originally sponsored by Senator Kreidler)

Establishing liens for owners of self-storage facilities.

Senate Committee on Economic Development & Labor

House Committee on Judiciary

Background: The state warehousing and rental laws leave rights and responsibilities uncertain when applied to self-storage facilities. Lien laws specific to self-storage facilities have been enacted by about one-half of the states because of the unique nature of the business. California has a similar statute in place.

A survey of states having self-service storage liens indicates that the majority do not allow for judicial intervention (California and Nevada are the prominent minority states). Also, in most states the lien attaches on the date personal property is placed in storage facilities.

Summary: Access to a storage facility may be denied if rent is six days overdue. Lien rights are granted to self-service storage operators if rents become delinquent by 14 days. Two weeks' notice must be given the renter before the lien attaches. The owner must inventory the goods in the rented space at the end of the second 14-day period (the end of the time specified for payment of delinquent rents in the preliminary lien notice). Once the lien attaches, the self-service storage operator may sell the goods other than personal papers and effects after giving notice to the renter. Anyone claiming an interest in the property can stop the sale by paying the delinquent rent.

If a renter is served with notice by mail, he or she has a right to redeem the goods within six months following the sale by paying the purchase price and any reasonable costs to any subsequent purchaser. Property valued at less than \$100 may be disposed of in any reasonable manner. Property valued over \$100 must be sold in a commercially reasonable manner. A sale by auction is not subject to auctioneer licensing requirements. Self-service storage operators are not required to obtain real estate licenses.

Votes on Final Passage:

Senate	45	1	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	97	0
Senate	46	0

Effective: June 9, 1988

SB 5667

C 132 L 88

By Senators Warnke, von Reichbauer and Lee

Revising procedures for disposition of personal property.

Senate Committee on Judiciary
House Committee on Judiciary

Background: The law establishes a procedure for disposition of personal property which comes into the possession of any city police or sheriff's office in connection with the official performance of duties.

The procedures for notice of sale to potential owners and the criteria to allow for destruction of property have been cumbersome and unworkable, resulting in costs to law enforcement without any corresponding benefits to owners of the property.

Summary: Law enforcement may destroy certain personal property when the property has no substantial commercial value, the probable costs of sale exceed the value of the property, or the property has been, or may be, used in a manner that is illegal.

Law enforcement officials must attempt to notify potential owners when the property comes into possession of the law enforcement officials. The notice must inform the owner on how law enforcement officials may dispose of the property if it remains unclaimed, and the length of time the owner has to claim the property. The requirement to notify the owner ten days prior to any public sale is deleted.

Votes on Final Passage:

Senate	47	0	
House	94	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: June 9, 1988

SSB 5669

C 277 L 88

By Committee on Health Care & Corrections
(originally sponsored by Senators Wojahn and Deccio)

Providing for certification of dietitians and nutritionists.

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

Background: The state does not regulate dietitians or nutritionists. The practice of dietetics generally involves the science of applying the principles of nutrition to the feeding of individuals and groups under differing economic and social conditions or for preventative, curative or restorative purposes. The practice of a nutritionist generally involves counseling healthy individuals in the selection of appropriate food to meet normal nutritional needs.

The State Health Coordinating Council (SHCC) has recommended that dietitians and nutritionists be regulated by the state. In its review of the profession, the SHCC concluded that the "public needs a way of identifying practitioners who are qualified to diagnose and prescribe dietetic/nutrition information accepted by the majority of scientifically-based health care professionals".

The SHCC recommended certification as the appropriate level of state regulation. Certification protects professional titles and establishes educational and professional requirements for individuals who practice under the protected titles.

Summary: A new chapter is added to the statutes which establishes a state certification program for dietitians and nutritionists. The titles "certified dietitian" and "certified nutritionist" are protected.

The Director of Licensing is the rule-making authority for educational and disciplinary purposes. The state dietitian/nutritionists advisory committee is created to assist the director in administration of the certification program. The members of the committee are designated.

Educational and professional requirements are established for individuals seeking certification as a

dietitian or nutritionist. They are subject to the provisions of the Uniform Disciplinary Act. The director is permitted to establish reciprocity rights for persons licensed or certified in other states.

Persons registered by the commission on dietetic registration are grandfathered into the certification program if their registration is valid on the effective date of the act.

Health insurance carriers are not required to or prohibited from providing benefits or coverage for persons served by certified dietitians or certified nutritionists.

Appropriation: \$70,178 to the Health Professions Account

Votes on Final Passage:

Senate	42	6
House	96	0

Effective: June 9, 1988

2SSB 5720

C 268 L 88

By Committee on Education (originally sponsored by Senators Gaspard, Patterson, Barr, Bailey, Bauer and Hansen)

Revising the authority for cooperative agreements between or among school districts.

Senate Committee on Education
House Committee on Education

Background: The 1985 Legislature authorized the Superintendent of Public Instruction (SPI) to develop a program to establish five-year pilot projects for the joint operation of programs and services between small school districts. For the purposes of the program, which shall expire September 1, 1990, the SPI is authorized to waive certain provisions of law which create financial disincentives to cooperation among small school districts. Making the pilot program ongoing could encourage more districts to enter into cooperative agreements.

Summary: The sunset date for the small schools cooperative projects program is repealed and the program is made ongoing. Districts are encouraged to establish cooperative projects with an emphasis to increase curriculum programs and opportunities.

Small school districts eligible to participate in cooperative projects are those which receive state funds as small high school districts. Subject to rules adopted by the Superintendent of Public Instruction (SPI), second

class districts which are not small high school districts may also participate.

Districts must submit an application to the SPI for approval to implement a cooperative project. The application must include a description of the project, expected improvements in curriculum offerings and educational opportunities, statutory requirements or administrative rules which may need to be waived to implement the project, and other information.

Waivers granted by the SPI must be reviewed every five years and districts must reapply for waivers after five years if they wish to continue the cooperative project.

Districts participating in a cooperative project shall be considered a single district for salary compliance purposes if they adopt identical salary schedules. For purposes of computing fringe benefit calculations, districts may use the greater of the highest amount provided by the districts in the 1986-87 school year, or the amount provided in the state budget in effect at the time of the cooperative project.

A high school district which sends its students to another district under a cooperative project is not required to become a non-high school district if the cooperative project exceeds two years in duration.

Districts must submit reports to the SPI in the third and fifth years of the cooperative project. SPI must submit a report to the Legislature on the cooperative projects program every third odd-numbered year.

The SPI may contract with other agencies to provide technical assistance to districts interested in developing and implementing a cooperative project.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: June 9, 1988

SSB 5844

C 31 L 88

By Committee on Transportation (originally sponsored by Senators Conner and Peterson)

Requiring bonds from motor freight brokers.

Senate Committee on Transportation
House Committee on Transportation

Background: The Utilities and Transportation Commission (UTC) regulates brokers or forwarders as common carriers. The UTC has five common carrier permits for intrastate brokers. Common carriers must pay a one-time fee of \$150 and post a \$1,000 bond.

Summary: The definition of broker is repealed and a new definition is created. A broker is a person engaged in the business of arranging for transportation of property by two or more interstate or intrastate common carriers.

A broker shall file a bond with the Utilities and Transportation Commission (UTC) in an amount to be determined by the UTC, but not less than \$5,000.

Votes on Final Passage:

Senate	47	0
House	93	0

Effective: June 9, 1988

SSB 5943

C 85 L 88

By Committee on Law & Justice (originally sponsored by Senators Nelson, Williams, Kiskaddon, Conner and Anderson)

Revising provisions on the small claims department of district court.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Small claims courts in Washington are organized as a distinct department of the district court. The primary object of small claims courts is to simplify the court process for a specified range of smaller civil disputes. Proceedings for small claims courts are generally conducted in an informal manner without formal pleadings and attorney involvement.

Small claims courts have jurisdiction, but not exclusive, in cases for the recovery of money where the amount claimed does not exceed \$1,000. No appeal is permitted from a judgment of the small claims department where the amount claimed was less than \$100, nor is any appeal permitted by a party who files a claim or counterclaim. An appeal by a defendant in a small claims case is by a new superior court trial.

Summary: The jurisdiction of small claims court is increased to \$2,000.

Restrictions on the right to appeal apply only where the amount claimed was less than \$1,000. Where the amount claimed is over \$1,000, the right of appeal to a new review in superior court is provided to plaintiffs and cross-claimants as well as defendants.

The Administrator for the Courts in conjunction with the Washington State Magistrates' Association must prepare a model brochure on small claims court procedures and disseminate it to all small claims departments in the state. This informational brochure

SSB 5943

is to be made available to all parties in any small claims action.

Votes on Final Passage:

Senate 47 1
House 93 2

Effective: June 9, 1988

SB 5953

C 32 L 88

By Senator Gaspard

Providing reduced work load options for certain tenured community college faculty members.

Senate Committee on Higher Education
House Committee on Higher Education

Background: The law defining tenure at community colleges applies only to faculty appointments for full-time teachers, counselors, librarians or other positions which require comparable training, experience and responsibilities as determined by the appointing authority. Generally, administrative appointments are excluded.

Tenured faculty who want to work less than full time have been advised they can do so legally only at the risk of losing their tenure, although some local community college agreements have permitted tenured faculty to carry reduced work loads and retain tenure. Faculty have requested a statutory change which makes clear that appointing authorities and faculty are empowered to develop reduced work load options without affecting tenure.

Summary: Appointing authorities are permitted to allow tenured faculty members to retain tenure and carry reduced work loads. The appointing authority and the faculty member must execute a written agreement that specifies assignment terms and conditions including the conditions, if any, under which the faculty member may return to fulltime employment.

References to gender are deleted.

Votes on Final Passage:

Senate 45 0
House 94 0

Effective: June 9, 1988

SSB 6024

PARTIAL VETO

C 272 L 88

By Committee on Agriculture (originally sponsored by Senators Halsan, Barr, Benitz and Hansen)

Prohibiting restriction or denial of certain agriculturally related hydraulic project permits.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: Farmers who have lands that abut rivers and streams often desire to install streambank stabilization structures to prevent erosion and loss of farmland.

The Departments of Fisheries and Wildlife administer the hydraulic project permit approval process. Some people are concerned that the conditions placed on hydraulic permits for agricultural streambank stabilization projects interfere with the ability of the farmers to stabilize the streambank.

The removal of sand and gravel from a river bed can reduce the frequency and severity of flooding depending on where and how much gravel is removed. This was recognized by the 1984 Legislature which passed legislation that requires the Department of Natural Resources (DNR) to reduce the price of sand and gravel by an amount equal to the flood protection that will result from the removal of the sand and gravel.

DNR's regulations implementing the 1984 legislation allow for a price reduction if an approved comprehensive flood control management plan indicates that flood control benefits would occur. To date, most rivers do not have completed comprehensive flood control management plans so the price reduction is not available. Flood control plans are being developed, but they take several years to complete. As a result, some sand and gravel operators and local officials think that the price of river gravel remains too high and are concerned that the risk of flooding is increasing each year.

Summary: Projects requiring a hydraulic permit for streambank stabilization shall be processed and appealed in the same manner as hydraulic permits for irrigation and stock watering diversions. Streambank stabilization is defined to include log removal, riprap, and gravel removal. The approval for stream bank stabilization projects shall remain in effect without need for periodic renewal if the need for the project occurs annually or more frequently.

The Departments of Natural Resources and Ecology are directed to study methods of reducing flood risks

by encouraging sand and gravel businesses to remove excess accumulations of materials from the beds of rivers and streams in agricultural areas. The departments shall work with the conservation district association, sand and gravel industry, and Departments of Fisheries and Wildlife to identify alternative management policies to diminish the risks of flooding and to adjust sand and gravel prices annually to reflect local market condition. Results of the studies shall be reported to the appropriate committees of the Legislature by December 1, 1989.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: June 9, 1988

Partial Veto Summary: Section 4 was vetoed. This section had stated that sand and gravel accumulations in rivers and streams may cause disastrous flooding and inferred that high DNR rates for sand and gravel contributed to its nonremoval. The governor, in his veto message, stated that more environmentally sound methods should be encouraged and studied. (See VETO MESSAGE)

SB 6078

C 3 L 87 E2

By Senators Vognild, Hayner, Fleming and Sellar; by request of Governor and Department of Revenue

Modifying certain business and occupation tax credits.

Background: The U.S. Supreme Court in Tyler Pipe v. State of Washington, also known as the National Can decision, ruled Washington's system of taxing manufacturing unconstitutional. The court concluded that the multiple activities exemption results in unconstitutional discrimination against interstate commerce. The case was remanded to the Washington Supreme Court for determination of remedies and refunds.

The business and occupation (B&O) tax is a family of taxes on activities. These activities include extracting, manufacturing, wholesaling, retailing and services. Only activities performed in Washington are taxed. A taxpayer can perform more than one activity.

To preclude double taxation of a taxpayer performing more than one activity in Washington, the law contains a multiple activities exemption. It provides that a taxpayer, subject to the wholesaling or retailing B&O tax with respect to a product, is exempt from the extracting or manufacturing B&O tax. Thus, a Washington manufacturer selling its products in

Washington is exempt from the manufacturing tax. Because of the multiple activities exemption, only Washington manufacturers selling their products outside Washington pay the Washington manufacturing B&O tax.

The U.S. Supreme Court ruled the effect of the multiple activities exemption was an unconstitutional violation of the commerce clause of the federal Constitution. The court found that the multiple activities exemption ensures that a Washington manufacturer selling in Washington pays one tax. However, Washington manufacturers selling in Washington not only pay taxes in Washington but may pay B&O type taxes in other states. Thus, there is a greater tax burden on interstate commerce than intrastate commerce.

This lawsuit commenced in 1984. The 1985 Legislature enacted legislation contingent on the court ruling the multiple activities exemption invalid. This legislation provided a "one-way credit" which allows a credit against Washington's manufacturing tax for selling B&O type taxes paid to other states. No credits were provided for out-of-state manufacturers selling in Washington. Language in the U.S. Supreme Court decision suggests the one-way credit may not be a sufficient remedy.

Summary: The credit enacted in 1985 is expanded to provide a credit to out-of-state manufacturers selling in Washington for B&O type manufacturing taxes paid to other states. This same credit is extended to Washington manufacturers selling in Washington. Allowing them to credit the manufacturing tax against the wholesaling or retailing B&O tax eliminates the need for the multiple activities exemption and it is repealed.

Votes on Final Passage:

Senate	44	1
House	89	3

Effective: August 11, 1987

SB 6084

C 4 L 87 E2

By Senators Vognild, Hayner, Fleming and Sellar

Regulating corporate acquisitions.

Background: Over the past twenty years there have been several rounds of corporate mergers and take-overs. When each of these waves of mergers has occurred, the states and the federal government have enacted measures to restrict and regulate this activity. The latest round of mergers and take-overs began in the late 1970's. Because of federal court decisions

striking down most of the state statutes, there has been considerable doubt as to the validity of any state regulation over corporate mergers. In April 1987, the U.S. Supreme Court affirmed an Indiana statute that required shareholder approval of voting rights for persons who acquired a substantial interest in Indiana corporations. This decision means that states do have some authority to regulate mergers and take-overs. The limits of the states' authority are still unknown.

Washington has enacted measures in the past few years to control some aspects of corporate take-overs in this state. These controls have been designed to control tender offers and to assure that a fair price is paid for all stock acquired in a tender offer take-over. The state also has restricted the ability of a person who has taken a substantial interest in a Washington corporation to call shareholders meetings and elect boards of directors.

A person who acquires 20 percent or more of a Washington corporation's outstanding shares is restricted from engaging in certain transactions with the corporation without approval of two-thirds of the disinterested shares. The prohibited transactions are merger or consolidation, dissolution, or sale of assets outside the ordinary course of business. This prohibition does not apply if a majority of the disinterested directors approves the transaction or determines that all shareholders have received a fair price for their shares. Two-thirds of the disinterested shareholders may vote not to be covered by these provisions.

A Washington corporation's articles of incorporation may include limitations on the ability of shareholders to call special meetings. The articles of incorporation also may allow the removal of members of the board of directors only for cause.

Corporations incorporated in this state are issued a certificate of incorporation by the Secretary of State. The certificate may be revoked by the secretary if the corporation violates certain statutory requirements.

Corporations incorporated under the laws of other states or countries must obtain a certificate of authority from the secretary in order to conduct business in the state. The secretary has the authority to revoke the certificate of authority if the foreign corporation violates certain statutory requirements.

The state has authority under its Constitution to regulate the activity of foreign corporations. The Legislature has declared, however, that it will not regulate the internal affairs of foreign corporations.

Summary: The Legislature finds that corporations with a substantial number of employees are an important part of the state's economic well being. The Legislature also finds that hostile take-overs can result in

injury to corporations and that the state has a legitimate interest in regulating these take-overs. The Legislature also finds that its interest in regulating take-over activity applies to corporations whose most significant contacts are with this state, whether or not those corporations are incorporated under state law.

A corporation which has significant contacts with Washington state is prohibited from entering into certain transactions with persons who own 10 percent or more of the outstanding voting shares of the corporation. Corporations which do not have voting stock registered with the Securities and Exchange Commission are not governed by the provisions of this act.

The significant contacts a corporation must have with Washington include:

- (1) The value of the corporation's property subject to taxation in Washington must exceed the value of the corporation's property subject to taxation in all other states;
- (2) the corporation must have its principal executive offices in Washington;
- (3) the majority of the corporation's employees must live in Washington;
- (4) the majority of the corporation's assets must be in Washington;
- (5) the corporation must employ at least 20,000 Washington residents; and
- (6) 10 percent of the corporation's shareholders must reside in Washington, 10 percent of the shares of the corporation must be owned by Washington residents, or 5,000 Washington residents must own shares of the corporation.

The transactions a covered corporation is prohibited from engaging in with a person who owns 10 percent or more of the corporation's shares are:

- (1) Merging or consolidating with the person;
- (2) disposing or encumbering assets of the corporation, to benefit the person, in an amount equal to more than 5 percent of the corporation's assets, 5 percent of the value of the shares of the corporation, or 5 percent of the income of the corporation;
- (3) issuing shares or rights to acquire shares to the person on a basis different than shares or rights are offered to all other shareholders;
- (4) adopting a plan for sale of assets, liquidation, or dissolution proposed by or in agreement with the person;
- (5) laying off more than 5 percent of the corporation's employees;
- (6) reclassifying shares or securities of the corporation that has the effect of increasing the

- proportionate share of the outstanding shares or securities owned by the person;
- (7) giving financial assistance, tax credits, or tax advantages other than those entitled to as a shareholder of the corporation; or
 - (8) agreeing to do any of the prohibited transactions.

The limitations do not apply to transactions entered into or agreed to by the corporation and the person before the person acquired 10 percent or more of the corporation's shares or entered into five years or more after the person acquired 10 percent of the corporation's shares. If the board of directors has approved the acquisition before the person has acquired 10 percent or more of the corporation's shares, the limitations on transactions between the corporation and the person do not apply.

If a corporation enters into a prohibited transaction, the transaction is void and the corporation's certificate of incorporation or certificate of authority will be revoked by the Secretary of State.

The state will regulate the internal affairs of foreign corporations to the extent necessary to regulate the transactions proscribed by this act.

The act expires December 31, 1988 and does not apply to any transactions entered into after that date.

Votes on Final Passage:

Senate	44	2
House	77	12

Effective: August 11, 1987

SB 6085

C 2 L 87 E3

By Senators Kreidler, Newhouse, Gaspard and Owen;
by request of Governor

Providing procedures to protect the public from hazardous substances.

Background: The federal Superfund hazardous waste cleanup program began in 1980 with the passage of the Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA), a \$1.6 billion program to fund the cleanup of hazardous waste sites throughout the nation. The program established a procedure for identifying, ranking, investigating and cleaning up hazardous waste sites. The federal money was only to be used when a person responsible for cleaning up the site was unwilling or unable to take action. Once the federal government cleaned up, it sought recovery of its costs from those who were responsible for the contamination. In 1986, Superfund

was reauthorized by Congress with an \$8.5 billion program to last a five-year period. It is designed to address the worst sites in the nation and leaves to the states other less toxic sites within their boundaries.

When Superfund money is used to clean up a site, the state is required to provide 10 percent for sites owned by a private party and 50 percent for sites owned by another public entity (landfills, etc.). Cost recovery against liable parties is authorized. The state is not required to provide any money when federally-owned sites are cleaned up.

In Washington, the Department of Ecology has identified 158 sites with known hazardous waste contamination. About 25 are listed as eligible for federal Superfund monies. The rest must be addressed by state government (Department of Ecology). Currently, matching money for federal Superfund dollars and funds needed for state sites comes from the general fund. The agency has estimated that it will need more than \$28 million in the next two years to address the state sites and match Superfund money. Local governments have estimated several hundred million dollars are needed to meet state hazardous and solid waste requirements and clean up contaminated landfills.

The department also administers state and federal water quality laws and has issued more than 1000 permits which include restrictions on what large industrial and municipal entities can discharge into state waters. Most of the funds for administering this program come from the general fund. The Puget Sound Water Quality Authority and other private and government entities contend that the department's water quality monitoring, inspection and permit renewal programs are inadequate. The authority has developed a recommended program to increase monitoring and provide better protection for Puget Sound and other areas throughout the state. The authority also has recommended that the department pay for its water quality permitting and monitoring program by fees on industries or municipalities that are issued permits. Legislation in the 1986 and 1987 sessions to give the department the authority to assess fees did not pass.

In addition to hazardous waste cleanup and water quality monitoring responsibilities, the department is responsible for regulating the day-to-day production, transportation, storage, treatment and disposal of hazardous waste in the state. This program requires that the agency issue permits to facilities that manage hazardous waste and inspect and regulate entities producing hazardous waste. This program is funded by a fee, authorized in 1983, which generates about \$1.4 million annually. The department contends that to run an

adequate program it needs more than \$4 million yearly.

Summary: Hazardous Waste

The Department of Ecology (DOE) is granted authority to investigate hazardous waste sites. The agency is to develop criteria to rank sites based on relative degree of risk and to establish deadlines for investigations. The agency is to provide biennial reports to the Legislature and in 1991 submit a thorough accounting of expenditures.

Persons who may be found liable—strictly, jointly and severally—include those who own or operate the site and those who owned or operated it at the time hazardous substances were released. Potentially liable are transporters who arrange for disposal at the site or take waste to unapproved facilities. Certain generators of hazardous waste are also potentially liable. Also, manufacturers of hazardous substances who are responsible for their written instructions can be found liable. This liability applies only when the substance is used in accordance with the written instructions and causes contamination.

Exemptions from liability are provided for persons growing trees, nursery plants or farm products and who apply pesticides without negligence and according to law. Homeowners applying hazardous substances on their property and their contractors are exempted, along with persons properly collecting used motor oil for recycling. Exemptions are provided for owners who had no knowledge of contamination when they acquired the site and contamination caused solely by acts of God, war or third parties.

Petroleum products are defined as hazardous substances, but the cleanup and enforcement provisions only apply to certain petroleum. The department is given authority to investigate, respond to, clean up and recover costs for all petroleum contamination. The petroleum section expires July 1, 1991, unless before that date, legislation is enacted to provide a cleanup program with specific funding for petroleum contamination from storage tanks.

Cleanups must be conducted to protect health and the environment and must meet all applicable laws. Where there are no applicable laws, standards for cleanup can be developed by the department and deviations from applicable laws can be allowed.

The department may reach settlement agreements with liable parties. Rules and procedures for public notice and comment are required. Liable parties unable to reach a settlement with the department may obtain an expedited court review on their final cleanup offer.

The department may provide money as part of a settlement agreement if it will expedite or enhance cleanup operations or achieve greater economic fairness. The agency must provide a covenant-not-to-sue for certain cleanups.

DOE may issue covenants-not-to-sue when case-by-case standards are met and when a deviation from applicable laws is allowed. In both cases, public interest criteria must be met prior to covenant approval.

Cleanup contractors working for the department, other public entities or private entities, may be indemnified. The agency is given authority to obtain information relevant to the site and may subpoena witnesses and documents. Procedures are specified for department investigations and cleanups.

DOE may issue cleanup orders or seek a court order requiring cleanup. Willful violations of cleanup orders may result in treble damages. Civil penalties of up to \$10,000 per day, assessed by the court, are also allowed.

Citizens may file a lawsuit against the department or a potentially responsible party to enforce compliance with the cleanup law or an approved settlement agreement. Thirty-day notice of the suit is required. Citizens' suits against potentially responsible parties are not allowed if the department is diligently pursuing cleanup.

When the state takes remedial action at a site, it will have a lien on the property which is subject to pre-existing liens.

Notices regarding contaminated property are to be placed in the county property records. Sellers who know that the property has been contaminated during the prior 20 years must provide a statement to the purchaser disclosing the contamination.

Persons committing fraud in a settlement agreement, covenant-not-to-sue or certification of completion void any limits on liability and subject themselves to damage claims. Civil penalties of up to \$10,000 per day may also be levied.

Programs are included for pesticide and household waste disposal and a business assistance program.

The department is directed to arrange for collection of hazardous substances confiscated by law enforcement agencies when conducting drug-related activities.

An eight-tenths of 1 percent tax on the wholesale value of a hazardous substance is to be levied on the first possession or sale of the substance. Taxable substances include hazardous substances designated by the federal government, those classified by the department's director, petroleum products and pesticides.

The substances are to be taxed once and successive possession of previously taxed substances is exempt.

Forty-seven percent of the revenues are to go into the state toxics control account and used for state hazardous and solid waste management programs. The account is also to be used for the hazardous waste cleanup program, assistance for local government solid and hazardous waste planning and other purposes.

Fifty-three percent of the tax is to be placed in the local toxics control account and used for grants and loans to local governments. In descending order of priority, the money is to be used for cleanups of sites on the hazard ranking list, hazardous waste plans and programs, solid waste plans and programs, and solid waste facilities.

One percent of the monies deposited in the accounts is to be used for public participation grants. Criteria for grant assistance is detailed.

A toxics control reserve account is created to fund secondary cleanups at sites where covenants-not-to-sue have been issued and the first cleanup failed. The account will receive \$3 million annually until it reaches \$20 million and is replenished annually to that level.

Exemptions from specific environmental laws and permits are allowed for cleanups conducted in accordance with the act.

The crime of toxic endangerment is established for persons handling hazardous substances in violation of state law, punishable as a class B felony. The person must know that such handling places others in imminent danger of death or serious bodily injury.

Water Quality

Beginning in fiscal year 1989, DOE is to recover administrative expenses for its water quality discharge permit system. The total amount collected annually cannot exceed \$3.6 million. Administrative expenses are defined. Costs related to enforcement and criminal investigation are not considered administrative expenses.

The department is to establish an initial fee schedule to begin on July 1, 1988. The fee for permits authorizing discharges of 800 gallons or less daily cannot exceed \$150.

Consideration of fee impacts on small dischargers is required and DOE must insure that indirect dischargers do not pay twice. The agency cannot assess fees for permits issued by local government entities. DOE must review and deny or approve applications for credits before assessing fees on public entities that have monitoring programs.

DOE is to submit a report to the appropriate standing committees of the Legislature no later than January 1, 1989, that must include a fee schedule proposed for fiscal year 1990 and beyond. Biennial reports to the Legislature are required.

Monitoring requirements must be for determining permit compliance, that all known, available and reasonable treatment is attained, or the effects a discharger will have on water, animal life or sediment. Monitoring must be structured so that if it is conducted within the terms of the permit, after an appropriate time, the permittee may request a reduced monitoring schedule. If DOE determines that the monitoring shows no adverse effect, a reduced schedule will apply. If monitoring identifies measurable adverse effect or potentially measurable adverse effect, more frequent and/or comprehensive monitoring is to apply.

The act will be an alternative to Initiative 97. If the initiative is certified, the Secretary of State is to place this act on the ballot with the initiative. If this measure is approved in the 1988 general election, it is to remain in effect.

Votes on Final Passage:

Senate	32	9	
House	65	22	(House amended)
Senate	27	8	(Senate concurred)

Effective: October 16, 1987

SB 6093

C 60 L 88

By Senators Pullen, Talmadge, Garrett, Nelson, Johnson, Rasmussen, McMullen and von Reichbauer; by request of Department of Corrections

Providing for presentence reports on sexual offenders.

Senate Committee on Law & Justice and Committee on Ways & Means

House Committee on Judiciary

House Committee on Ways & Means

Background: Presentence investigations of convicted felony offenders assist the court in determining sentencing options and form the basis for case management decisions throughout the offender's period of incarceration.

Currently, presentence investigations for felony sex offenders are not consistently ordered. The lack of pertinent information otherwise supplied by a presentence investigation can result in the omission of appropriate treatment or monitoring requirements.

Summary: The Sentencing Reform Act is modified to require the sentencing court to order the Department of Corrections to complete a presentence report on all defendants convicted of a felony sexual offense.

The department is required to give priority to presentence investigations for sexual offenders.

Votes on Final Passage:

Senate 46 0
House 96 0

Effective: March 15, 1988

SSB 6096

C 33 L 88

By Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Smitherman, Moore, Gaspard, Johnson and Rasmussen)

Prohibiting a pattern of equity skimming.

Senate Committee on Financial Institutions & Insurance

House Committee on Financial Institutions & Insurance

Background: Equity skimming practices are used to obtain title to properties for the purpose of either taking the equity out or obtaining rents or payments without ever satisfying any of the underlying obligations that may exist on a property. There are two methods used to engage in equity skimming.

Rent Skimming: Rent skimming is accomplished by convincing a property owner who is experiencing financial difficulty to deed a property to the equity skimmer with the assurance that he/she will assume the underlying indebtedness on the property. The property owner often pays a fee to the equity skimmer as consideration for the assumption. The equity skimmer then either quickly rents or sells the property at an attractive price, never assumes the underlying debt as promised and applies all payments received for his or her personal use. This continues until the property is foreclosed.

The original owner's credit has been damaged by the foreclosure that has been processed in his or her name. The original owner also may be liable for a deficiency owing on the loan when the property is sold after foreclosure.

Equity Skimming: True equity skimming is accomplished when the equity skimmer offers to purchase a property which is owned free and clear or has a great

deal of equity. The equity skimmer convinces the seller to finance the purchase with a real estate contract carried by the seller and a small down payment. The equity skimmer then convinces the seller to subordinate his or her interest in the property so that the equity skimmer may obtain a loan on the property. The equity skimmer then procures the largest loan possible often at a very high interest rate. After the loan proceeds are received by the equity skimmer, he or she then defaults on the contract with the seller and the loan on the property.

The seller can foreclose on the contract to regain the property; however, it is now encumbered by a large loan. At this point the equity skimmer cannot be reached.

There is no state law that prohibits either form of equity skimming. There is a federal law that imposes a fine and/or prison sentence but only affects properties that are financed by the Veterans Administration or by a mortgage or deed of trust insured or held by the Secretary of Housing and Urban Development. The federal law only applies to the practice of renting a house obtained through equity skimming.

Summary: Both forms of equity skimming are defined. Any person who wilfully engages in a pattern of equity skimming is guilty of a class B felony punishable by a maximum fine of \$20,000 and/or confinement in a state correctional institution for up to ten years. A pattern of equity skimming is defined as at least three acts of equity skimming within any three-year period with at least one act of equity skimming occurring after the effective date of this act.

Equity skimming is classified as a seriousness level II offense under the Sentencing Reform Act, which is equivalent to first degree theft, second degree burglary, and first degree possession of stolen property, among others. Each act of equity skimming included in the pattern is considered an offense for sentencing purposes.

A single act of equity skimming or a pattern of equity skimming is declared an unfair or deceptive act or practice in violation of the Consumer Protection Act.

A pattern of equity skimming is included as a criminal offense that is subject to the provisions of the criminal profiteering act.

Votes on Final Passage:

Senate 47 0
House 98 0

Effective: June 9, 1988
July 1, 1988 (Section 5)

SB 6101

C 76 L 88

By Senators Saling, Smitherman, Gaspard, Rinehart,
West and Stratton

*Changing eligibility requirements for members of the
state board for community college education.*

Senate Committee on Higher Education
House Committee on Higher Education

Background: Since the creation of the community college system in 1967, members of the State Board for Community College Education (SBCCE) have been prohibited from serving upon, or being an employee of, any other public or private educational board and from having any pecuniary interest in education during their term of office. This restriction was enacted because the community college system was, at that time, being created in part from educational institutions which were under the authority of the State Board of Education, the Superintendent of Public Instruction and local school districts. It is argued that the potential for conflicts of interest which resulted in this restriction are presently covered by the Executive Branch Conflict of Interest Act and that the qualifications for service upon the SBCCE should be no more restrictive than for other higher education boards.

Summary: The restriction is eliminated which prohibits a member of the State Board for Community College Education from serving, during his or her term of office, as a member or employee of any public or private educational board and from having any direct pecuniary interest in education.

Votes on Final Passage:

Senate	48	0	
House	93	3	(House amended)
Senate	41	0	(Senate concurred)

Effective: March 16, 1988

SB 6113

C 34 L 88

By Senator Pullen

*Making technical corrections to quasi-community
property laws.*

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Washington is a community property state; therefore, a surviving spouse owns a one-half interest in property acquired during a marriage unless

the couple has agreed otherwise. The quasi-community property statutes were enacted in 1986 to determine the property interest a surviving spouse has in real or personal property acquired while the couple resided in a noncommunity property state.

Summary: Quasi-community property statutes shall apply to all property, whether acquired before or after the date of original enactment and shall take advantage of the laws of other jurisdictions which look to Washington law to determine the proper manner of distributing real property at the time of the spouse's death. Legal presumptions are clarified regarding community property and quasi-community property.

The deceased spouse's interest in quasi-community property is subject to disposition under the terms of any document or agreement to avoid the implication that only dispositions under a will control. The potential that otherwise bona fide business transactions will be upset by the quasi-community property statutes is minimized by eliminating the provision requiring the transfer to be made "for value".

All agreements between spouses which relate to property rights, whether pre-existing or executed after the enactment of the statutes are given effect with respect to quasi-community property interests.

Votes on Final Passage:

Senate	48	0
House	94	0

Effective: March 11, 1988

SSB 6115

C 278 L 88

By Committee on Children & Family Services
(originally sponsored by Senators Kiskaddon and
Saling)

*Providing for programs to enhance parenting skills
and strengthen families.*

Senate Committee on Children & Family Services
House Committee on Human Services

Background: Studies show that persons who abuse or neglect their children were often abused or neglected themselves. It also has been shown that many persons convicted of crimes were the victims of child abuse.

Proponents of parenting education believe positive discipline skills can be taught to parents, enabling them to deal with their children in an atmosphere which fosters dignity and respect and where closeness and trust among family members encourages family unity. Thus, many people believe increasing access to

SSB 6115

parenting education will help reduce the cycle of child abuse.

Summary: The Washington State Council for the Prevention of Child Abuse and Neglect is directed to fund, with available funds, voluntary parenting skills and family support programs in three geographically balanced areas around the state. The voluntary programs are to be designed to serve expectant parents and families with children up to three years of age. The programs are to be modeled after the successful programs funded in the past by the council.

The program funding is to be on a two year gradual reduction basis. After two years, the community will take over responsibility for funding. If the project includes an evaluation component, the project can be considered for a third year of funding. Programs in economically distressed areas may qualify for continued funding if funds are appropriated.

Language is added to the statutes on the Governor's Commission on Children giving the council the authority to include parenting education programs in its study on a data based clearinghouse.

Votes on Final Passage:

Senate	45	2	
House	95	0	(House amended)
Senate	39	3	(Senate concurred)

Effective: March 24, 1988

SSB 6118

C 213 L 88

By Committee on Children & Family Services
(originally sponsored by Senators Wojahn, Anderson, Fleming, Rinehart, Garrett, Talmadge, Stratton, Deccio and Bauer)

Providing for the establishment of state child care policy.

Senate Committee on Children & Family Services
and Committee on Ways & Means
House Committee on Human Services

Background: Washington provides child care assistance through several agencies, but has no coordinating entity to monitor for efficient use of state resources. No statutory child care policy has been set by the Legislature to guide the agencies, employers and consumers.

The need to expand and coordinate care systems for the children of workers is a phenomenon of modern labor force demographics similar to the shift in responsibility for care of the elderly. A majority of

mothers now are required to work in the paid labor force instead of in the home.

The labor market is experiencing a severe shortage of available and affordable child care. The shortage affects all working people with children, at all economic levels. Experts are expressing serious concern about quality of care issues as well.

Child care programs are overburdened. The subsidy program is inadequate and needs substantial change, according to all child care experts. Pending federal legislation will assist states which have adequate safety standards and coordinating committees in place.

Summary: A state child care policy is created which encourages the participation of families and business in operating and expanding the child care system to meet the needs of the labor market and assist families to gain economic independence.

Although traditional parenting at home is encouraged, the policy promotes the availability and affordability of culturally and developmentally appropriate child care in a variety of settings for families who need to use child care.

A child care coordinating committee is established to provide advisory coordination and communication between state agencies and to qualify for potential federal child care assistance funding. The coordinating committee shall propose changes to the child care subsidy structure to the Department of Social and Health Services and the Legislature. The coordinating committee also is required to make recommendations about options for including day care facilities when constructing state buildings. DSHS will provide staff and support for the coordinating committee to the extent resources are available.

A child care expansion grant fund is created to provide one-time grants for the purpose of starting child care facilities or expanding existing facilities to accommodate special needs children.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: March 23, 1988

SB 6119

C 212 L 88

By Senators Barr and Wojahn

Revising certain procedures for persons applying to be licensed practical nurses.

Senate Committee on Health Care & Corrections

House Committee on Health Care

Background: State statutes require individuals seeking licensure as a practical nurse to take the national competency examination. The examination is given two times a year in April and October. The majority of students who graduate from an accredited program in practical nursing do so in May or June. They must wait until October to take the competency examination and another 30 days for the test to be graded.

The delay in licensing practical nurses is of concern because of the state's nursing shortage.

Summary: The Licensed Practical Nurse Practice Act is amended to direct the Department of Licensing to issue interim permits authorizing applicants to practice pending notification of the results of the first licensing examination. If the applicant fails the first examination, the permit expires and is not renewable.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: April 1, 1988

SSB 6124

C 207 L 88

By Committee on Health Care & Corrections
(originally sponsored by Senators Deccio, Johnson and Smith)

Providing technical and financial assistance to assist in the delivery of rural health care systems.

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

Background: Demographic, economic, and financial changes occurring within the health care industry and within rural communities greatly affect the viability of all rural health care providers. These health care providers ensure access to and the availability of preventative, primary, maintenance and emergency care services to residents and tourists in rural areas. The problems faced by rural health care providers include erratic fluctuations or general decline in rural economies, the aging rural population, older physical plants, and the lack of health care professionals.

Rural communities need to consider restructuring the delivery of health care services to meet the changing demand and to insure the continued availability and accessibility of appropriate community-based care. Government regulations and standards, and lack

of financing for rural health care facilities are inhibiting the development of innovative and cost effective ways to deliver health care services in rural areas.

Summary: The Washington Rural Health Commission is created to develop legislative recommendations on current rural health issues. Legislative and public members are designated. Legislative members include the Chairs and ranking minority members of the Senate and House Health Care Committees.

The commission is directed to review existing statutes and regulations governing operation of health facilities, examine models of rural health delivery developed in other states to identify innovative approaches, and establish proposed standards for an alternative rural health facility licensure model.

A report with the commission recommendations is to be submitted to the Legislature by December 1, 1988. The commission expires on December 31, 1988.

DSHS is directed to develop information on Medicare facility options eligible for reimbursement, including requirements and procedures for acquiring certification.

The agencies affected by the proposal are expected to use existing staff and reserves to carry out its provisions.

Appropriation: \$10,000 to the Washington Rural Health Commission

Votes on Final Passage:

Senate	45	0	
House	89	1	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	93	0
Senate	44	0

Effective: March 23, 1988 (Sections 1 and 2)
June 9, 1988

SSB 6128

C 82 L 88

By Committee on Environment & Natural Resources
(originally sponsored by Senators Bluechel and Bender)

Revising provisions for park and recreation service areas.

Senate Committee on Environment & Natural Resources
House Committee on Local Government

Background: In addition to statutory authority of city and county governments to provide for park and recreation facilities, authority exists for the formation of park and recreation districts, metropolitan park districts, and park and recreation service areas. The latter may be initiated by resolution of the legislative authority of any county or by petition of voters within the proposed area and must be formed through an election by the voters within such area. Park and recreation service areas may be formed for the purpose of financing the acquisition and operation of park and recreation facilities, which shall be owned or leased by the county. Financing certain service area activities is provided through election by the voters within the area regarding regular property tax levies, annual excess levies, or the issuance of general obligation bonds and bond retirement levies. Provisions are made for park and recreation service area budgets, use of county employees, admission fees, concessions, county expenditures for facilities acquired by service area funds and other purposes.

In 1967, the Washington Supreme Court invalidated a proposed bond measure by a park and recreation service area and suggested that the existing legislation would not be sufficient to make such areas taxing authorities independent of counties for purposes of the uniformity requirements under the State Constitution. In 1981 the statutes were amended to address this decision, although a recent opinion of bond counsel recommended further clarifying amendments.

Summary: Park and recreation service areas may own or lease and administer park and recreation facilities and acquire land for this purpose. In addition to existing powers, such service areas shall have authority to hire employees, enter contracts, accept and expend gifts and grants and to sue or be sued. The governing body shall be the members of the county legislative authority acting ex officio and independently. A service area may charge use fees or other charges on facilities operated by the area. Facilities may be owned individually by a service area or jointly with a county or city. Eminent domain power may be exercised by a service area for its authorized purposes in a manner consistent with the power of the county in which the area is located. With the exception of the grant of eminent domain power, the specified authority makes explicit the authority Washington court decisions have found to be implicit as necessary and proper for carrying out the specified purposes of most special districts.

Votes on Final Passage:

Senate	45	0	
House	95	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: June 9, 1988

SB 6136

C 80 L 88

By Senators Smith, DeJarnatt, Kreidler, Metcalf and Zimmerman; by request of Washington State Parks and Recreation Commission

Repealing authority for surcharges on nonresidents camping at state parks.

Senate Committee on Environment & Natural Resources

House Committee on Natural Resources

Background: The 1979 Legislature directed the Parks and Recreation Commission to assess a surcharge on persons from other states using Washington parks. The surcharge was to be reciprocal and charged in an amount equal to that assessed by other states against out-of-state campers.

The measure was enacted following a \$2.00 per day surcharge imposed by Oregon. Other states over the next several years began imposing surcharges on out-of-state campers. Most of these were eastern states, but Arizona adopted a surcharge on out-of-state campers as well.

Oregon has repealed its out-of-state camper surcharge and Arizona is expected to eliminate its surcharge. This will leave a very small portion of total out-of-state visitors from eastern states subject to Washington's surcharge. Visitors from Oregon and Arizona represent more than 98 percent of those who come from states assessing the surcharge.

Because only 2 percent of Washington's out-of-state visitors will come from states assessing the surcharge, it may be an unnecessary administrative burden. There also have been numerous complaints about this practice.

Summary: The requirement of a surcharge imposed on campers from states also assessing surcharges on out-of-state campers is repealed.

Votes on Final Passage:

Senate	43	0
House	96	0

Effective: June 9, 1988

SB 6143

C 86 L 88

By Senators Pullen, Talmadge and Nelson

*Revising provisions on real estate contract forfeitures.*Senate Committee on Law & Justice
House Committee on Judiciary

Background: The Real Estate Contract Forfeiture Act was enacted in 1985. The intent of the drafting committee was to reevaluate the statute after it had been in use for one to two years. A number of revisions, many of which are technical in nature, have been proposed by members of the bar and related professions. All comments were considered during the reevaluation of the act.

The act provides the only way by which a seller may forfeit a real estate contract. In the event of a purchaser's default, attorneys' fees may be recovered to the extent prescribed in the contract. Some concern has arisen regarding situations where people have sold property using a common preprinted form which provides for the recovery of attorneys' fees only if the seller chooses to bring suit. Therefore, if the default is cured prior to initiating a lawsuit, the seller is unable to recover the costs expended in preparing to commence the forfeiture proceeding.

Summary: Technical corrections are made to the Real Estate Contract Forfeiture Act and inconsistencies and ambiguities are removed. The rights of contracting parties are clarified and a forfeiture remedy is created which is comparable to other methods of foreclosing real estate in Washington. The forfeiture remedy provides the option of foreclosing a real estate contract judicially as if it were a mortgage. A mechanism for the recovery of costs expended by the seller is provided when the purchaser defaults and later cures such default. After the foreclosure proceeding is initiated, the defaulting purchaser may request a public sale of the property and the court may, under appropriate circumstances, require the purchaser to pay the entire debt owed to the seller. The seller may need to bid the unpaid balance of the contract in order to avoid losing the property. The seller has a right to obtain a deficiency judgment and the purchaser has a right of redemption under existing state law and precedent with respect to mortgages.

Votes on Final Passage:

Senate	38	6
House	94	1

Effective: June 9, 1988**SSB 6147**

C 158 L 88

By Committee on Law & Justice (originally sponsored by Senators Pullen, Niemi, Rasmussen, Craswell and Nelson)

*Revising the criminal definition of "substantial bodily harm."*Senate Committee on Law & Justice
House Committee on Judiciary

Background: In the 1986 and 1987 sessions, the Legislature passed two bills amending the assault statutes. The amendments included a delayed implementation date of July 1, 1988, to allow time for interested parties to study the new statutes and report back to the Legislature.

Summary: In the definitions section of the Washington criminal code, "substantial bodily harm" is modified to mean bodily harm which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part. The definition of "substantial pain" is omitted.

Second degree assault is modified. Persons who knowingly inflict bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture are guilty of second degree assault.

Third degree assault is modified. Persons are guilty of third degree assault if with criminal negligence they cause bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering.

Votes on Final Passage:

Senate	48	0
House	95	0

Effective: July 1, 1988**SSB 6148**

C 219 L 88

By Committee on Law & Justice (originally sponsored by Senators Pullen, Halsan, Garrett, Johnson and Barr)

*Revising certain procedures for applying for concealed pistol licenses.*Senate Committee on Law & Justice
House Committee on Judiciary

Background: An applicant for a concealed pistol license who does not have a valid permanent Washington driver's license, state identification card, or has not been a resident of the state for the previous 90 days may have to wait up to 60 days before receiving the pistol license while the issuing authority conducts a background check. However, there have been instances when the issuing authority has asked applicants to produce forms of identification such as birth certificates and baptismal records that are not specifically required by statute.

Law requires the licensee to pay \$20 for the issuance of a four-year concealed pistol license, yet the statute is silent with respect to the method of payment. In addition, there is concern that a licensee may be subject to prosecution for violations due to an expired license during the 90-day renewal period after the expiration of the license.

The Public Disclosure Act requires that all public records, which include concealed pistol license applications, be made available for inspection and copying unless the record falls within a specific exemption. It is suggested that concealed pistol license applications be exempt from the disclosure requirements of the act.

Summary: The requirements pertaining to concealed pistol license applications are clarified. The application must contain questions regarding the applicant's birthplace, citizenship and, if the applicant is not a United States citizen, whether he or she intends to become a citizen. The application also must ask a noncitizen to state whether he or she is required to register with the state or federal government and produce any identification or registration number, if available. The applicant is not required to show a birth certificate or other evidence of citizenship. An applicant who is not a citizen is required to provide documentation showing resident alien status and the applicant's intent to become a citizen. A person who makes a false statement on the application is guilty of a misdemeanor.

Payment of the concealed pistol license fee may be made by cash, check, or money order at the option of the applicant. The issuing authority may allow for other methods of payment.

Concealed pistol license applications are exempt from the disclosure requirements of the Public Disclosure Act. Copies of concealed pistol license applications or information on the applications may be released to law enforcement or corrections agencies.

Votes on Final Passage:

Senate 46 1
House 96 0 (House amended)
Senate 44 0 (Senate concurred)

Effective: June 9, 1988

SSB 6157

C 256 L 88

By Committee on Education (originally sponsored by Senator Bailey)

Changing provisions relating to student learning objectives.

Senate Committee on Education
House Committee on Education

Background: The Student Learning Objectives (SLO) program was established by the Legislature in 1975. The program is intended to assure the citizens of each district that the district's resources are used to provide quality education in all subject areas and courses. Districts are required to identify student learning objectives for each course of study included in the districts' programs.

In 1985 the Legislature established a program requiring school districts to ensure that each school undertakes self-study procedures every seven years. The self-study process must include an emphasis on achieving educational excellence and equity, and on reaching consensus upon educational expectations. The self-study process must include participation of staff, parents, community members, and students.

It is suggested that student learning objectives could be addressed through the required self-study program.

Summary: School districts are required to develop student learning objectives as part of the districts' mandatory self-study procedures. Each school is required to review the district's student learning objectives as part of the building-level self-study and may identify additional or special objectives.

Districts are encouraged to consider the activities of the Temporary Committee on the Assessment and Accountability of Educational Outcomes in developing or reviewing local student learning objectives.

Votes on Final Passage:

Senate 36 12
House 96 1 (House amended)
Senate (Senate refused to concur)
House (House refused to recede)

Free Conference Committee

House 93 0
Senate 44 1

Effective: June 9, 1988

SSB 6178

C 257 L 88

By Committee on Agriculture (originally sponsored by Senators Benitz, Barr, Hansen, Anderson, Bailey and Newhouse)

Implementing the vinifera grape growers' assessment.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: The Washington Wine Commission was created during the 1987 legislative session and represents both the producers of wine and the growers of vinifera grapes. Starting in 1989, funding for the commission shall be provided by equivalent assessments on growers and producers. An assessment was established for the wine producer's half of the commission, with the grape grower's half to be developed during the 1988 legislative session, and implemented prior to July 1, 1989.

Summary: A list of all Washington vinifera grape growers who grow grapes for sale or use by wine producers within the state shall be created by the commission each year by December 31.

Prior to initial imposition of any grape grower assessments, the Director of Agriculture shall conduct a referendum among all growers on the vinifera grape growers list. To be approved, the referendum needs the assent of at least 51 percent of the growers voting, or 51 percent by acreage of those voting, and representation by at least 30 percent of all grape growers and 30 percent by acreage of all growers. The referendum shall be conducted on or before September 15, 1988.

If the referendum is approved, the director shall direct the commission to start the assessment. If the referendum is not approved, the assessment shall not be collected and the commission shall not continue to represent the interests of the grape growers.

Starting on July 1, 1989 (subject to approval by referendum), the commission shall collect an annual assessment of \$3 per ton to be paid by the grower. The director shall adopt rules prescribing the time, place and method of payment and collection of the assessment. The director may require the wine producers and handlers to be the collection agents for grower assessments. Rules shall be adopted to provide for the collection of assessments from growers who ship directly out of state. Monies collected shall be deposited in the name of the commission in any state depository bank.

If assessments are not paid by the due date, the commission may add a penalty not exceeding 10 percent of the assessment to cover collection costs. The commission may bring civil action to recover delinquent assessments.

A handler of grapes is defined as any Washington winery, or processor, juicer, grape broker, agent or person buying or receiving vinifera grapes to be passed on or exported either as grapes, juice or wine.

Votes on Final Passage:

Senate	47	0	
House	97	1	(House amended)
Senate	41	0	(Senate concurred)

Effective: June 9, 1988

SSB 6181

C 174 L 88

By Committee on Education (originally sponsored by Senators Rinehart, Kiskaddon, Gaspard, Fleming, Bailey, Bender and Garrett)

Revising the early childhood education and assistance program.

Senate Committee on Education
House Committee on Education

Background: The Early Childhood Education and Assistance Program was established in 1985. It is a voluntary enrichment program to help prepare some "at risk" children to enter the common school system, but not part of the basic education program as defined by the Legislature to meet the obligation of the state Constitution.

Early Childhood Education programs were funded first in the 1986 supplemental budget to initiate local preschool programs for approximately 1,000 children statewide in the amount of \$2.9 million for fiscal year 1987. The program was expanded to serve at least 2,000 children in the 1987-89 biennial budget through an appropriation of \$12.1 million.

Even though the federal Head Start program provides programs for more than 6,000 additional children, there are many more in the state who are at risk and would benefit from preschool education and assistance with basic health care, nutrition and development.

Studies comparing groups of young adults who were enrolled in preschool programs to those not attending preschool reveal long-term benefits to society through greater educational attainment, employment and projected lifetime earnings. Savings realized by society

include reduced crime rates, welfare support and teen-age pregnancy.

Summary: Increased opportunities for children to participate in early childhood education programs are available through the development of community partnerships to assist children at risk. The definition of "at risk" is amended to allow the program to provide services for children of any age whose family circumstances would qualify the child for enrollment in the federal head start program.

Additional children may be admitted to preschool education programs to the extent that grants and contributions from individuals, agencies, corporations, and community organizations provide sufficient funds or services for a program equivalent to that supported by state funds. Program standards established by the Department of Community Development (DCD) must be maintained in any expanded or enhanced program.

Applications from providers of preschool programs must identify targeted groups of at risk children, the number of children to be served, program components, the qualifications of instructional and special staff, the source and amount of grants and contributions other than state funds, facilities and equipment support, and transportation and personal care arrangements.

The existing advisory committee is given the additional responsibility to advise DCD on matters regarding the on-going promotion and operation of the early childhood program. Organizations on the advisory committee are to represent community and business interests.

Technical revisions to the original legislation allow for the continued administration of the program by DCD and clarify rule-making authority for the application process. The initial reporting requirement is amended to require a report to each regular session of the Legislature convening in odd-numbered years.

Votes on Final Passage:

Senate 44 1
House 91 0

Effective: March 22, 1988

SB 6182

C 285 L 88

By Senator McCaslin

Denying registration if contractor has previous unsatisfied judgment.

Senate Committee on Economic Development & Labor
House Committee on Commerce & Labor

Background: The Department of Labor and Industries must deny an application for registration by a contractor who has been registered previously, and has either an unsatisfied final judgment entered against him/her or has a summons and complaint pending at the time of the application for re-registration. Contractors must re-register annually. The law provides that a contractor must post a bond with the state and lists the various acts which may give his customers or creditors a claim against the bond.

Thus a contractor can be precluded from re-registration and the legal operation of his or her business simply on the basis of someone having filed a lawsuit against him or her regardless of whether the action has any merit.

Building contractors are not allowed to sue for the collection of compensation due from a customer unless they are registered as required by law. Courts have used the doctrine of substantial compliance, if the contractor was bonded but not registered, to circumvent this sometimes harsh rule.

Summary: The provision denying re-registration on the basis of having a summons and complaint filed against the applicant is removed. Re-registration must still be denied if the applicant has an unsatisfied final judgment entered against him or her.

The doctrine of substantial compliance, by which courts sometimes allow an action to proceed in the absence of strict compliance with all registration requirements, is defined. Courts shall not find substantial compliance if the contractor has failed to supply the department with various business identification numbers, has no current registration bond or comparable security, or has failed to obtain liability insurance up to the statutorily required level. In determining substantial compliance the court must consider the length of time a contractor did not hold a valid certificate of registration.

Votes on Final Passage:

Senate 47 0
House 98 0 (House amended)
House 46 0 (Senate concurred)

Effective: June 9, 1988

SSB 6195

C 224 L 88

By Committee on Environment & Natural Resources (originally sponsored by Senators Vognild, Metcalf, Rasmussen, Conner, DeJarnatt, Deccio, Garrett, Madsen, Hansen and Halsan)

Establishing civil and criminal liability for hindering logging activities.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources

Background: Over the past several years, incidences of organized opposition to logging have thwarted loggers' abilities to cut and transport timber from the woods to the mills or off-loading facilities. Some of the incidences involve threats to spike trees with nails which then pose a danger for chainsaw users.

The only recourse has been an action in trespass if such action occurs on private land. This is difficult to prove. Also, many of these activities occur on public lands.

Summary: Any person who maliciously places any item into a tree or wood material in order to hinder logging shall be guilty of a class C felony. Possession of the materials with intent to use to hinder logging shall result in a gross misdemeanor.

In addition to criminal penalties, such person shall be liable for property damage or personal injury caused by the action. The civil burden of proof is by a "preponderance of the evidence."

Votes on Final Passage:

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

Effective: March 23, 1988

SSB 6200

C 44 L 88

By Committee on Governmental Operations
(originally sponsored by Senators Sellar, Bauer, Zimmerman, Bender, Bailey, Garrett and von Reichbauer)

Extending reduced utility rates to low income disabled citizens.

Senate Committee on Governmental Operations
House Committee on Energy & Utilities

Background: Any county, city, town, municipal corporation or quasi municipal corporation may provide utility services at reduced rates for low income senior citizens. However, similar authority does not exist for a reduction of rates for low income disabled citizens.

Summary: Any county, city, town, municipal corporation or quasi municipal corporation may provide utility

services at reduced rates for low income disabled citizens.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: June 9, 1988

SSB 6207

C 189 L 88

By Committee on Children & Family Services
(originally sponsored by Senators Craswell, Owen, Kiskaddon and Stratton)

Increasing out-of-home placement alternatives for victims of child abuse.

Senate Committee on Children & Family Services
House Committee on Human Services

Background: Out-of-home placements for victims of child abuse have increased in the last several years. As a result, the financial impact on the state has increased. The children who are victims of abuse have suffered from the traumatic experience of being removed from their homes and placed with strangers. Less costly and less traumatic out-of-home placements are needed.

Summary: If a child is found to be dependent and the disposition by the court is that the child should be removed from the home, the court shall order that the child be placed with one of the relatives listed in the statute with whom the child is comfortable, has a relationship and who is willing and available to care for the child. The court shall not place the child with a relative if there is any reason to believe that the safety or welfare of the child will be jeopardized.

If, at the disposition hearing, the court does not have sufficient information to decide whether or not to place the child with a relative, the child shall remain in foster care, and the Department of Social and Health Services must conduct an investigation and report back to the court within 30 days. If the relative is found to be suitable in all respects, the required criminal history check need not be completed before placement but must be completed as soon thereafter as possible. The relative with whom the child is placed must cooperate with the agency case plan and court order. If the relative does not cooperate, the child may be removed from the relatives' home.

The department shall establish an advisory task force to study procedures used in out-of-home placements with relatives. The objective of the study is to

identify what the barriers are to earlier placement of children with relatives and to recommend procedures to encourage immediate placement of children with relatives.

The task force will report to the Legislature before December 15, 1988, on its findings and recommendations and the results of innovations or programs used by the department to encourage placement of children with relatives.

The licensing statute is amended to remove the criminal background check as an obstacle to immediate relative placement.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: June 9, 1988

SB 6210

C 52 L 88

By Senators McCaslin, Garrett, Zimmerman, Hayner and Nelson; by request of Office of State Auditor

Authorizing the state auditor to contract with certified public accountants for municipal audits.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: As the constitutional officer who is the "auditor of public accounts" and the person "who shall have such powers and perform such duties in connection therewith as may be prescribed by state law," the State Auditor — through the staff in the Division of Municipal Corporations — conducts fiscal/legal compliance audits for all units of local government. In addition, the division prescribes financial accounting systems for local governments and collects and publishes comparative statistics concerning their operations.

The auditor has requested authority to contract with certified public accountants in Washington to assist in carrying out the division's duties.

Summary: In addition to appointing state examiners for the Division of Municipal Corporations, the State Auditor may contract with certified public accountants to carry out such portions of the division's duties as the auditor may determine.

Votes on Final Passage:

Senate	35	9
House	93	0

Effective: June 9, 1988

SB 6211

C 53 L 88

By Senators McCaslin, Garrett, Zimmerman, Hayner and Nelson; by request of Office of State Auditor

Authorizing the state auditor to contract with certified public accountants for departmental audits.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The State Constitution provides that the State Auditor "shall be auditor of public accounts and shall have such powers and perform such duties in connections therewith as may be prescribed by law." For state agencies, this responsibility is carried out by the Division of Departmental Audits staff.

In addition to conducting fiscal/legal compliance examinations for all state agencies, the auditor issues an opinion on the annual statewide combined financial statements developed by the Office of Financial Management (OFM) and administers the Employee Disclosure, or "Whistleblower," Act.

The auditor has requested authority to contract with private certified public accountants to assist him in carrying out the responsibilities of his office.

Summary: In addition to employing state examiners for the Division of Departmental Audits, the State Auditor may contract with certified public accountants practicing in Washington to carry out such portions of the division's duties as the auditor determines.

Votes on Final Passage:

Senate	38	8
House	96	0

Effective: June 9, 1988

SSB 6212

C 164 L 88

By Committee on Law & Justice (originally sponsored by Senators Pullen, Vognild, Conner, von Reichbauer and Garrett)

Revising membership eligibility of retirement boards for fire fighters and law enforcement officers.

Senate Committee on Law & Justice
House Committee on Commerce & Labor

Background: Law enforcement officers and firefighters are members of the LEOFF I (membership established

prior to September 30, 1977) and LEOFF II (membership established subsequent to September 30, 1977) retirement systems for pension and disability benefits.

Claims for disability benefits for LEOFF I members are approved or disapproved by city or county disability boards under the provisions of the LEOFF I system. Disability benefits for LEOFF II members are as provided under the Industrial Insurance Act.

However, membership on the LEOFF I disability boards are composed of actively employed LEOFF I and LEOFF II members, even though LEOFF II members have no direct interest in the proper functioning of the boards.

It is suggested that the operation of the local disability boards would be enhanced if retired members of LEOFF I system were given the right to elect members and serve on local disability boards.

Summary: Retired members of the LEOFF I retirement system are eligible to elect members to the disability boards.

Votes on Final Passage:

Senate	45	0	
House	92	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: June 9, 1988

SSB 6217

C 137 L 88

By Committee on Agriculture (originally sponsored by Senator Benitz)

Requiring the department of ecology to sell its interest in the Prosser well at the Washington State University research center.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: During the drought of 1977, an \$18 million drought relief measure was passed by the Legislature. With funds from this measure, the Department of Ecology joined with the Washington State University research center at Prosser to drill a well to provide emergency irrigation water. The research center has a 26 percent interest in the well with options for more water if conditions warrant it. The department has the remaining ownership of the well and sells water to help recover the capital and operating costs. The original cost of the well was \$241,528, with the remaining amount owed estimated to be \$167,151.

The well is capable of irrigating 520 acres, but because it is used for emergency purposes only and is very costly to start up and operate, the well has not been very active. The department does not use its 74 percent share of the well, and the research center cannot afford to start the well for its own use, so both the department and the research center rely on farmers in the area to purchase water to help defray the costs associated with operating the well.

The department, the research center and the farmers in the affected area have met and are not opposed to the sale of the department's interest in the well.

Summary: The Department of Ecology shall sell its interest in the Prosser well located at the Washington State University research center. The well shall be sold for fair market value with proceeds deposited in the state Emergency Water Project Revolving Account. The department shall, to the extent possible, expedite the sale of the well to accommodate the needs of all concerned parties for the 1988 irrigation season. As a prerequisite to sale, the parties who agree to purchase the Prosser Well shall agree to be bound by any existing agreements between the department and the research center at Prosser regarding the operation and maintenance of the Prosser Well. The parties agree that the sale of the department's interest in the Prosser Well will require compliance with RCW 90.44.

The proceeds of the sale of the department's interest in the well at Prosser, but not more than \$150,000, is appropriated to alleviate drought conditions.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: March 18, 1988

SSB 6218

C 185 L 88

By Committee on Health Care & Corrections (originally sponsored by Senators McCaslin, Bauer, Johnson, Conner and Benitz)

Revising certain provisions regulating the practice of physical therapy.

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

Background: Physical therapists are required to consult with an authorized health care practitioner prior to providing treatment to a patient. Physical therapists are licensed to provide treatment of any bodily or

mental condition by the use of physical, chemical, and other properties of heat, cold, air, light, water, electricity, sound, massage and therapeutic exercise. Health care practitioners authorized to serve as consultants include physicians and osteopaths, chiropractors, podiatrists and dentists.

In its 1985 review of the physical therapy practice act, the State Health Coordinating Council (SHCC) recommended the consultation requirement be eliminated. The SHCC concluded there was no risk to public safety and the consultation requirement served only as a barrier to appropriate and timely care.

Summary: The requirement of consultation by an authorized health care practitioner is removed for the treatment of neuromuscular and musculoskeletal conditions by physical therapists. Certain orthoses treatment may be provided only after referral or consultation from an authorized health care practitioner.

Physical therapists must refer patients they have cause to believe have conditions beyond their scope and practice. Failure to make appropriate referrals is a violation of the Uniform Disciplinary Act.

Physical therapists may not use or advertise the use of spinal manipulation or manipulative mobilization of the spine and its immediate articulations. Violation of this provision is considered unprofessional conduct and violators are subject to discipline under the act.

Third party payers and state agencies are not restricted from limiting third party payment for physical therapy services. Individual and group contracts shall not be required to or prohibited from providing benefits or coverage for physical therapists. The term "gatekeeper" is defined in statute and refers to controlling insurance benefits to patients by establishing threshold requirements.

The act terminates on June 30, 1991, subject to reauthorization by the Legislature after a report by the Legislative Budget Committee by January 1, 1991.

Votes on Final Passage:

Senate	47	2	
House	92	5	(House amended)
Senate	46	1	(Senate concurred)

Effective: June 9, 1988

SSB 6219

C 203 L 88

By Committee on Children & Family Services (originally sponsored by Senators Kreidler and Kiskaddon)

Changing the review standard for consent to adoption.

Senate Committee on Children & Family Services
House Committee on Human Services

Background: The adoption chapter requires a pre-placement report to be filed with the court when prospective adoptive parents petition for adoption. The agency with temporary custody of the child must consent or refuse consent to the adoption, based on the preplacement report.

Prospective adoptive parents are allowed to have additional reports by experts completed if they disagree with the report of the custodial agency, but the court may bypass consent of the agency only if the adoption is in the best interests of the child and the court finds that the agency's refusal to consent is "arbitrary and capricious".

Even if the family can prove to the court that the best interests of the child would be served by granting the adoption petition, the arbitrary and capricious standard is nearly impossible to prove. As a result, a court is usually precluded from overturning an adoption agency decision regardless of the best interests of a child.

Summary: The court is no longer required to find that a custodial adoption agency acted in an arbitrary and capricious manner when refusing to consent to an adoption. The court may dispense with the consent requirement if it finds, by clear, cogent and convincing evidence, that an adoption is in the best interest of the child.

Votes on Final Passage:

Senate	48	0	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House	96	0	(House receded)

Effective: June 9, 1988

2SSB 6221

C 206 L 88

By Committee on Ways & Means (originally sponsored by Senators Deccio, Kreidler, Johnson, Niemi, Smith, Wojahn, Zimmerman, Hayner, Vognild and Talmadge)

Modifying provisions relating to sexually transmissible diseases.

Senate Committee on Health Care & Corrections and
Committee on Ways & Means
House Committee on Health Care

Background: Acquired immunodeficiency syndrome (AIDS) is a fatal disease transmitted by sexual contact and certain exposures to infected blood. The syndrome is characterized by a number of "opportunistic infections" which appear in persons from several weeks to several years after they have been infected with the human immunodeficiency virus (HIV) — the cause of AIDS. Some 3 to 5 percent of those infected with HIV have developed AIDS during each year after they were infected.

Nationally, it is estimated that between 1 and 1-1/2 million persons may be infected with HIV. The number of AIDS cases is approaching 50,000.

In Washington, as of January 28, 1988, there were 735 persons diagnosed with AIDS, with estimates of 15,000 to 19,000 persons with HIV. Although Washington ranks 19th in population nationally, it ranks 12th in number of AIDS cases. It is estimated that by the end of 1991 the number of AIDS cases will approach 5,000 in Washington. The number with HIV will be some 30,000.

While at present over 75 percent of the AIDS cases are in the Seattle-King County area, the epidemic is rapidly spreading to other parts of the state. Two years ago, only four counties reported any AIDS cases. Presently, 27 counties have reported at least one case.

Due to the newness of the disease, there is no state policy on AIDS. Services are mostly limited to the Seattle-King County area. There is no state policy on AIDS education for students, health workers, private and public employees. Further, the state laws dealing with sexually transmitted diseases have not been significantly amended in modern times and do not meet contemporary standards.

Summary: A list of known sexually transmitted diseases (STD) including AIDS and HIV are added to statute. The Board of Health is authorized to add other STDs to the definition, when appropriate.

An office on AIDS is established within the Department of Social and Health Services (DSHS), which shall coordinate AIDS-related activities and administer all state and federal AIDS-related funding.

Information directed to the public regarding STDs shall give emphasis to the importance of sexual abstinence, sexual fidelity and the avoidance of substance abuse in controlling disease.

The Center for Voluntary Action is given the additional related responsibility of providing information about agencies and individuals working in the prevention and treatment of AIDS.

A state policy on AIDS education in common schools is established. It stresses that AIDS is a serious, life threatening disease, that preventing the disease involves sexual abstinence and avoidance of substance abuse, and that an active role of parents and locally elected school board officials in the development of education programs is crucial to AIDS prevention.

Each school district is required to develop an AIDS prevention, education program in consultation with educators, parents, and other community members. The Superintendent of Public Instruction (SPI) shall provide a model curriculum which shall be reviewed by the DSHS office on AIDS for medical accuracy. The office on AIDS shall approve any locally developed curricula for medical accuracy in consultation with local public health officers. However, school districts may file and use locally developed curricula, pending state approval, if they believe the curriculum is medically accurate. AIDS education shall be offered at least annually, beginning no later than the 5th grade. Parents shall be given reasonable opportunities to review the material before it is presented to their children. A student may be exempt from the AIDS education, upon the written request of the parents, if the parents have reviewed the material.

All publicly funded materials regarding STDs directed to children in the common schools must emphasize sexual abstinence outside lawful marriage.

The governing entities of colleges, universities, and vocational schools are required to make AIDS information available to new students.

The Department of Licensing (DOL), DSHS, all health professional boards, SPI and units of local government are directed to establish training and education requirements for the professionals they certify and/or license.

AIDS testing and counseling are defined. Persons convicted of sex offenses, persons convicted of crimes involving the use of hypodermic needles, and those convicted of promoting, soliciting, or performing acts of prostitution shall be tested and counseled upon sentencing. Law enforcement officers, fire fighters, health care providers and other groups of employees as determined by the Board of Health in rule may request testing and counseling of those to whose bodily fluids they have been substantially exposed. If local public health officers find the exposure to be substantial, they must perform the tests. However, those ordered to be

tested because their bodily fluids have been substantially exposed to others have the right to contest such orders according to normal standards of due process.

Department of Corrections administrators are given the authority to test an inmate if his or her behavior poses a risk to the public safety or to other inmates. However, the administrators making these determinations must receive AIDS training. Local public health officers must approve HIV testing of jail inmates using the same standards as tests for the general public.

The Secretary of Corrections is directed to report to the Legislature by January 1, 1989 on the need for an AIDS-related segregation policy for state corrections facilities.

Health care professionals attending pregnant women must assure that AIDS counseling has been provided, and all persons in state certified drug treatment programs or arrested for prostitution or drug offenses must be counseled.

Six Regional AIDS service networks covering the state and conforming in boundaries to DSHS regions are to be established by October 1, 1988. The most populace county in each region is designated as the lead county. Lead counties, in consultation with other counties, are responsible for coordinating a comprehensive range of AIDS education, counseling, testing and other services in each region.

Seventy-five percent of the appropriation to the regional AIDS service networks will be allocated for counseling, testing, education, notification of sexual partners of infected persons, planning and coordination, and case management services, to be allocated per capita, based on the general population in each region. Twenty-five percent of the appropriation for the regional networks will be allocated for intervention strategies with high risk groups based on regional plans. This funding formula is set to terminate in 1991, and DSHS is directed to recommend changes to it for legislative consideration in the 1991 legislative session.

The University of Washington may establish a center for AIDS education, and it shall be linked to the networks and the office on AIDS.

The governor shall appoint an advisory committee to assist the Secretary of DSHS in the implementation of AIDS programs. The committee is required to study related insurance issues and is set to terminate in 1991.

Regional AIDS services networks may authorize distribution of "appropriate materials" in the prevention or control of HIV infection.

Records regarding testing, counseling or treatment for STDs are confidential with limited exceptions.

Anonymous reporting of HIV test results is required of all laboratories.

Local public health officers shall interview persons with STDs to determine their sexual partners and shall contact partners, pursuant to Board of Health rules. In notifying sexual partners of infected persons that they have been exposed to STDs, all efforts must be made to avoid disclosing the identity of the person who made the exposure.

Chapter 49.60 RCW is amended to direct the Human Rights Commission to treat claims of unfair practice allegedly based on "actual or perceived HIV status" in the same manner as any other claim of unfair practice allegedly based on any other handicapping condition. An exception is made for insurers where bona fide statistical differences in risk or exposure have been substantiated.

Employers who follow the provisions of the act and who adhere to regulations and guidelines regarding protecting the public and other employees from exposure in the workplace are exempt from civil or criminal liability.

Public health officers are given authority to address persons whose behavior is identified as a danger to public health. They may take as many of the following steps as necessary, in a serial fashion, to address the problem when the person in question does not wish to comply voluntarily: 1) order a person to submit to medical examination or testing or seek counseling, treatment, etc.; 2) order a person to cease and desist from specific behaviors or adhere to restrictions; or 3) detain a person for up to 90 days in an appropriate facility designated by the Board of Health. Throughout the involuntary aspects of this procedure, the person will be provided a full range of due process rights, including notice, counsel, and a jury trial if detained in excess of 14 days.

Persons detained under the act may seek a five-day continuance of the hearing to review their detention, or a ten-day continuance where more than a 14-day detention has been requested. In such cases, the person requesting the continuance may be subject either to continued detention, or to a court order restraining them from specific behavior.

Minimum claims for civil action by persons aggrieved by a violation of this chapter are established.

Administering, exposing, or infecting a person with HIV with intent to do bodily harm is designated a Class B felony.

It is unlawful (a misdemeanor) for persons with an STD, other than HIV, who know they are infected to

have sexual intercourse with any other person, unless that person has been informed.

Any other violation of the STD statute (Chapter 70.24 RCW) as amended is a gross misdemeanor.

Antiquated sections of the 1919 STD statute are repealed.

Votes on Final Passage:

Senate	39	10	
House	95	3	(House amended)
Senate			(Senate refused to concur)
House	93	3	(House amended)
Senate			(Senate concurred in part)
House			(House refused to recede)
Senate			(Senate concurred in part)
House			(House refused to recede)
Senate	34	11	(Senate concurred)

Effective: March 23, 1988
July 1, 1988 (Sections 916 and 917)

SB 6227

C 69 L 88

By Senators Pullen, Talmadge and Halsan

Revising provisions on acknowledgments.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The notary forms were changed by a 1985 statute, effective January 1, 1986. Since that time, a need for corrections to the new forms has become apparent.

Summary: Technical corrections to notary or acknowledgement statutes are made. Either the post-January 1, 1986, form or the pre-January 1, 1986, form may be used for real property conveyances. The notary public may use means of identification other than personal knowledge to evidence that a person is the person whose name is signed on the instrument, e.g. driver's license.

The forms are amended to require the personal appearance before the notary of the person whose name is signed on the document. The recitation below the signature line is changed. The term "notary public" is omitted. The form now has a signature line and a title line to eliminate confusion when an authorized person other than a notary public signs the document, e.g. a judge. A date line is added and the statutes are made gender neutral.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: June 9, 1988

2SSB 6235

PARTIAL VETO

C 284 L 88

By Committee on Ways & Means (originally sponsored by Senators Metcalf, Owen, Rasmussen and von Reichbauer; by request of Department of Ecology)

Creating the water pollution control account and authorizing financial assistance from it.

Senate Committee on Environment & Natural Resources and Committee on Ways & Means
House Committee on Environmental Affairs
House Committee on Ways & Means

Background: The federal government provides funding to the states and local governments on a matching basis for sewage treatment facilities and other water quality activities under the federal Clean Water Act. In 1987, the Clean Water Act was amended to phase into federal funding for loans for such activities. Over the next three years, states are intended to create revolving funds for loans for wastewater treatment construction, to be funded primarily through federal capitalization grants to the states. Each state must commit to match the federal payments into the revolving fund by at least 20 percent.

Federal fiscal year 1988 will continue with the existing construction grants program. However, if the governor of a state makes a timely request, up to 75 percent of the state's allotment of federal grant funds may be placed in the revolving fund, avoiding the requirement that funds not obligated during the fiscal year be returned to the federal government. Washington's governor has made such a timely request.

Fiscal years 1989 and 1990 are phase-in years for the revolving fund, with one-half of the federal funding authorized for construction grants, and one-half for capitalization grants to the revolving fund. A condition of federal funding is that the revolving fund be used for loans or financial guarantees or purposes related to repayment of loans. The allotment of the federal share for the State of Washington based upon the authorized funding under the 1987 Clean Water Act is approximately \$42 million.

Summary: The legislative purpose of the 1987 Clean Water Act provides for an account to receive federal capitalization grants for financial assistance to state and local governments for water quality facilities and related activities. The water pollution control revolving

fund is created in the state treasury, to receive federal capitalization grants, state matching funds, principal and interest payments on loans from the fund, and fees and other revenues or funds. Earnings from investments are to be credited to the revolving fund.

Moneys in the fund shall be used for loans for purposes allowed in the federal water quality law and for those purposes enumerated in this state act. These purposes include construction of water pollution control facilities, implementation of management programs for nonpoint sources of pollution and for estuary conservation, and correction of combined sewer overflows. The fund may also be used for refinancing related debt obligations, for financing security, guarantees or insurance, and for administration of the fund. The fund may not be used for grants.

Loans must meet specified conditions concerning loan, interest rate, and repayment term and schedule, and dedicated sources for repayment. The Department of Ecology (DOE) is to allocate funds in accordance with an annual project priority list, provide any required reports and enter agreements with the federal government. Applicants for loans shall be included on the project priority list, provide for a dedicated source for loan repayment, and meet other requirements. The department is to provide to the Legislature an annual progress report on the use of the fund.

If a public body defaults on repayment, the state may withhold additional funds and direct such funds to repayment of the defaulted indebtedness. The department shall establish by rule the loan terms and interest rates for loans from the fund. \$5 million is appropriated for the biennium ending June 30, 1989 from the water quality account to the revolving fund account for providing the required state match for federal grants.

A legislative committee made up of two members of each caucus in the Senate and House of Representatives is created for the purpose of reviewing and approving all loans from the fund. The list is deemed approved if action is not taken within 60 days of submittal of the proposed project list. The distribution schedule applicable to the water quality account applies to the revolving fund unless the state would be unable to receive or fully expend all federal funds to which it would be otherwise entitled.

DOE is to transfer funds from the water quality account at intervals consistent with the deposits of federal funds. The transfers are not to exceed the match required for each federal deposit.

Appropriation: \$5 million from the water quality account

Votes on Final Passage:

Senate	46	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	97	0
Senate	49	0

Effective: March 24, 1988

Partial Veto Summary: Section 9 is deleted, which created a legislative committee to review and approve all loans from the fund. Section 10 is deleted, which incorporated the distribution schedule applicable to expenditures from the water quality account. (See VETO MESSAGE)

SSB 6238

PARTIAL VETO

C 279 L 88

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf and Owen; by request of Department of Ecology)

Changing provisions relating to the authority of state agencies to administer part C of the federal safe drinking water act.

Senate Committee on Environment & Natural Resources

House Committee on Environmental Affairs

Background: In 1974, Congress passed the Safe Drinking Water Act which in Part C provided for state primary enforcement responsibility with respect to underground injection control programs. In 1986, Congress reauthorized and amended the Safe Drinking Water Act, adding additional programs to Part C of the act which allow primary enforcement responsibility to be assumed by the state. These are programs relating to wellhead protection areas and sole source aquifer demonstration areas. The wellhead protection program sets forth a process for identifying wellhead areas to be protected and the source of contaminants which may adversely affect health, and the development of control and other measures to protect water supplies within such areas. Grants for state programs are authorized in the federal act. The sole source aquifer demonstration program authorizes federal grants for identifying critical aquifer protection areas and pursuing comprehensive planning for such areas.

Summary: The Departments of Ecology, Natural Resources, and Social and Health Services, as well as

the Oil and Gas Conservation Committee, are authorized to carry out programs of Part C of the Federal Drinking Water Law as of June 19, 1986, the effective date of the 1986 federal law amendments. Language in existing statute which refers to a participation in a prospective federal program regarding sole source aquifer protection, now included under Part C of the amended federal law, is deleted as superfluous. If necessary to protect the public health, the State Board of Health is to promulgate regulations applicable to public water systems not covered by the federal Safe Drinking Water Act.

Votes on Final Passage:

Senate	45	0	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	94	0
Senate	45	0

Effective: June 9, 1988

Partial Veto Summary: The provision authorizing the State Board of Health to adopt regulations applicable to certain public water systems only if necessary to protect the public health is deleted. (See VETO MESSAGE)

SSB 6240

C 230 L 88

By Committee on Environment & Natural Resources (originally sponsored by Senators Warnke and Metcalf)

Establishing a wild mushroom harvesting program.

Senate Committee on Environment & Natural Resources

House Committee on Natural Resources

Background: The harvest of wild mushrooms by recreational and commercial harvesters is unregulated. Because of concerns raised that the increased commercial harvests may deplete the resource, the Department of Natural Resources in 1985 organized an advisory group to study wild mushroom harvest on state-owned land. That advisory group recommended the implementation of a statewide mushroom harvesting policy to include licensing for commercial harvesting, data collection, and research.

At the September 1987 Board of Natural Resources meeting, the DNR proposed adopting emergency regulations to address the commercial harvesting of

mushrooms from trust lands. The board rejected the regulations in favor of an effort to gather reliable data on mushrooms and mushroom harvesting.

Summary: A program is established within the Department of Agriculture for gathering information about wild mushroom harvesting. Mushroom buyers and processors shall possess an annual license (\$75 and \$375 respectively). A mushroom buyer shall document information for the department about each purchase such as site harvested, weight, location of harvest, and price. Processors shall supply information to the department regarding quantities of wild mushrooms sold.

The department shall encourage voluntary reporting by recreational harvesters.

Violations of this act shall constitute a class I civil infraction.

The effective date of the act is delayed until January 1, 1989, in order to be consistent with the effective date of the law regarding civil infractions. The department may, however, take action prior to the effective date in order to implement the act beginning on January 1, 1989.

Votes on Final Passage:

Senate	49	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: January 1, 1989

SB 6243

C 83 L 88

By Senators Smitherman, Lee, Warnke, Bender, Talmadge, Vognild, Metcalf, Hansen, Stratton, West and Fleming; by request of Joint Select Committee on Labor-Management Relations

Revising labor dispute disqualification for unemployment compensation.

Senate Committee on Economic Development & Labor

House Committee on Commerce & Labor

Background: Prior to 1987, individuals were disqualified from receiving unemployment compensation benefits if they were unemployed due to a stoppage of work because of a labor dispute. The Legislature placed an exception in the law in 1987 to allow individuals who were locked out by their employer to receive unemployment compensation benefits if the employees' collective bargaining agent notified the employer that the employees were willing to return to work at the

employer's last contract offer until a new agreement could be reached, unless the last offer constituted a substantial deterioration of the terms and conditions of employment; and the individuals were locked out for four or more weeks. Employees who are members of a multi-employer bargaining unit who were locked out because of a whipsaw strike were ineligible for benefits. This statutory exception expired on December 27, 1987.

The Joint Select Committee on Labor-Management Relations recommends this measure.

Summary: Employees who are locked out by their employer are eligible for unemployment compensation benefits, unless the lockout is called by members of a multi-employer bargaining unit after one employer has been struck as a result of the multi-employer bargaining process. An individual who is unemployed due to a strike is disqualified from receiving unemployment benefits.

The stoppage of work requirement for eligibility purposes is eliminated. An individual is not disqualified from receiving unemployment compensation once the strike or lockout is terminated.

The Department of Employment Security is directed to study the impact of the lockout and strike provisions on the number of unemployment claimants, the amount of benefits paid, and the type, frequency, duration, and outcome of labor disputes. The department must specifically address the impact of the multi-employer exclusion in their study.

The department must periodically meet with labor and management representatives during the course of its study.

The department must report its findings to the governor, the Senate Economic Development and Labor Committee, and the House Commerce and Labor Committee by the beginning of the 1990 session.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: March 20, 1988

SB 6245

C 92 L 88

By Senators McDonald, Gaspard, Zimmerman, Lee and Rasmussen; by request of State Treasurer

Revising provisions relating to investment of bond proceeds.

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

Background: The 1986 federal Tax Reform Act changed several federal laws regarding the issuance of tax exempt bonds by state and local governments. Prior to these changes, revenues raised by the sale of tax exempt bonds needed to be 80 percent spent within three years of the bond sale. With the new law, the state must now spend the gross proceeds (bond proceeds plus earnings on the interim investment of the proceeds) within six months of the issuance of the bonds. If the state is unable to do this, it must rebate to the federal government the difference (arbitrage) between the interest rate at which the bonds were sold and the interest rate at which the bond proceeds were invested by the state. This rebate must occur within five years of the issue date of the bonds. The penalty for noncompliance is to make the bonds taxable, retroactive to their issue date.

Summary: An "excess earnings account" is created in the state treasury. The State Treasurer is to transfer to this account arbitrage earnings on bond proceeds. Subject to appropriation, these earnings are to be remitted to the U.S. Treasury.

Votes on Final Passage:

Senate	45	0
House	95	0

Effective: March 16, 1988

SSB 6252

C 38 L 88

By Committee on Law & Justice (originally sponsored by Senators Halsan and Talmadge)

Revising enforcement provisions for failure to comply with traffic infraction laws.

Senate Committee on Law & Justice
House Committee on Transportation

Background: The 1987 Legislature enacted legislation allowing a police officer to arrest a driver who has two or more charges of failure to appear. The driver must have wilfully violated a written and signed promise to appear in court.

There has been some concern regarding whether venue is in the jurisdiction where the failure to appear occurred or where the defendant was arrested. There also has been some difficulty regarding the proof necessary to show a violation to be wilful and the procedure for establishing probable cause to arrest.

Summary: The intent of the Legislature is clarified by including the reasons why traffic laws must be enforced judiciously and fairly.

The requirement that a violation of a written and signed promise to appear in court be wilful is deleted. Probable cause to arrest a driver of a motor vehicle is established by an officer obtaining, orally or in writing, information from the Department of Licensing that two or more notices of failure to appear for any five-year period are on the person's driving record. Venue for prosecuting is in the court with jurisdiction in the area of the arrest. A certified copy of the person's driving record, supplied by the department, will be proof of the existence of notices of failure to appear. The failure to pay a fine for any pedestrian, bicycle or parking offense is not included in the crime of failure to comply.

Votes on Final Passage:

Senate	49	0
House	97	0

Effective: June 9, 1988

SSB 6255

C 138 L 88

By Committee on Transportation (originally sponsored by Senators West, Patterson, Smith, Zimmerman, Benitz and Barr)

Creating a zone where interstate trip permits are not required.

Senate Committee on Transportation
House Committee on Transportation

Background: For many years there has been an informal agreement between the vehicle licensing departments in the states of Idaho and Washington that vehicles registered in one state need not register in the other state when operating on certain border highways. The requirement that a vehicle must be fully registered, prorated or purchase a vehicle trip permit is waived.

A four-mile segment of SR 195 from Pullman to Lewiston/Clarkston makes a loop into Idaho. Through an informal agreement, the state of Idaho has not required Washington-based vehicles to register in Idaho or purchase an Idaho vehicle trip permit. Conversely, Washington does not require Idaho vehicles to register or purchase a vehicle trip permit when operating on SR 95 between Lewiston and Clarkston. Occasionally the informal system breaks down when new law enforcement personnel are transferred to the area. The Department of Licensing has reciprocity powers

and is now in the process of negotiating an agreement with Idaho which will formalize the current practice.

Formalizing the vehicle licensing agreement solves only part of the problem. A common or contract carrier must register its vehicles with the Washington Utilities & Transportation Commission (UTC) or purchase a vehicle regulatory trip permit when traveling on Washington highways. The permit is issued in lieu of the annual regulatory and stamp fees and authorizes a one-way trip into, out of, or across the state for a fee of \$10. By law, the UTC is required to register or issue a trip permit to an Idaho carrier when travelling between Lewiston and Clarkston. The UTC does not have reciprocity powers and therefore cannot enter into an agreement with Idaho to waive the permit requirement.

Summary: The Utilities and Transportation Commission may enter into a reciprocity agreement with Idaho for purposes of waiving the regulatory registration requirements in a designated bordering area if the same privilege is afforded Washington-based common and contract carriers. The initial designation border area is the four-mile segment of SR 195 from the Idaho border to Lewiston and SR 12 from Lewiston to Clarkston. Any future reciprocal agreements proposed by the UTC must be submitted to the Legislative Transportation Committee for approval prior to implementation.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: March 18, 1988

SB 6260

C 197 L 88

By Senators Warnke, Smitherman, Garrett and Conner; by request of Pharmacy Board

Changing requirements relating to sales of poisons.

Senate Committee on Economic Development & Labor

House Committee on Commerce & Labor

Background: Any person who sells poison in the state must record the transaction in a poison register. The purchaser must present identification to the seller which contains the purchaser's photograph and signature. Both the seller and purchaser must sign the poison register entry. A poison register must be

maintained for two years from the date of the last entry.

The poison register procedures do not work well if the sale is made through the mail or some other delivery system because the purchaser cannot comply with the identification and signature requirement.

It is suggested that a letter of authorization could be submitted by a purchaser of a poison instead of the identification and signature requirements.

Summary: If a delivery of a poison will be made outside the seller's premises, the seller may require the business purchasing the poison to submit a letter of authorization as a substitute for showing identification and signing the poison register. The transaction must still be recorded in the poison register by the seller.

The letter of authorization must include the unified business identifier and address of the business, a full description of how the substance will be used, and the signature of the purchaser. Either the seller or the employee of the seller who delivers the poison must affix his or her signature to the letter as a witness to the signature and identification of the purchaser.

Letters of authorization must be kept with the poison register and are subject to inspection.

Votes on Final Passage:

Senate 43 0
House 97 0 (House amended)
Senate 46 0 (Senate concurred)

Effective: June 9, 1988

SB 6262

C 22 L 88

By Senators Nelson, Bender and von Reichbauer; by request of Department of Transportation

Extending the length of permits for I-90 construction.

Senate Committee on Transportation
House Committee on Transportation

Background: State law requires that all projects impacting the shorelines have substantial development permits from the Department of Ecology before construction can proceed. The administrative rules and regulations adopted by DOE to implement this authority provide, in part, that permits issued are limited to five years and allow one-year extension.

The substantial development permits for constructing I-90 in Seattle and Mercer Island expire in April, 1988. No extensions to the permits are possible due to the time limitations outlined in the Washington

Administrative Code, "permits for developments on shorelines of the state."

Without the permits in place, the department would have to stop work on bridge and shoreline related work on the I-90 project. If existing permits expire, new permit applications would have to be made to the cities of Seattle and Mercer Island to complete work under existing permits. The permit process would take approximately nine months and could impose new conditions on the project.

Current plans call for the I-90 project to be completed by 1992.

Summary: The Shoreline Management Act is amended by making the existing permits on I-90 construction on or adjacent to Lake Washington, or any that may be issued in the future, to be in force until December 31, 1995.

Votes on Final Passage:

Senate 46 1
House 91 0

Effective: March 11, 1988

SSB 6264

C 171 L 88

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Kreidler, Smith and Anderson)

Requiring a report on the management of infectious wastes.

Senate Committee on Environment & Natural Resources

House Committee on Environmental Affairs

Background: Infectious wastes are generally defined as those capable of producing an infectious disease. Health officials are devoting increasing attention to the public health risks associated with the management and disposal of wastes which may contain infectious agents. The sources of such waste are potentially as broad as the entire waste stream, including wastes originating in households and those generated by many commercial and institutional facilities. Considerable uncertainty exists within the public health community of the magnitude and specific sources of the risks associated with infectious waste.

The State Board of Health is authorized to adopt regulations for the prevention of health hazards related to solid and liquid waste disposal and for the prevention of infectious diseases. The board has adopted regulations requiring hospitals to handle and

dispose of infectious wastes properly but has not adopted regulations regarding infectious wastes which pertain to other sectors of the waste stream. The Department of Ecology is authorized to and has adopted standards for solid waste management and disposal. The department has not adopted regulations specific to the handling and disposal of infectious wastes.

Summary: The Legislature makes several findings regarding infectious wastes, including the inadequacy of existing risk assessments, the diversity of waste streams within which infectious wastes may be included, and the need, in the public interest, for state action. The Department of Ecology is directed to prepare and transmit to the Legislature by January 1, 1990, a report that contains an assessment of the risks to public health due to infectious waste, including identification of those diseases presenting the greatest risks, and those waste streams having the highest risks.

The report is also to contain a review of existing infectious waste management practices and regulatory programs, a review of preferred management practices, including waste reduction and disinfection on-site, and recommendations for necessary legislation and appropriations. A cost analysis must be prepared for elements of the report reviewing local government waste management practices.

The report is to be prepared with the assistance of the Department of Social and Health Services, which shall be primarily responsible for an assessment of health care facilities and the environmental transmission of infectious agents in solid, liquid or airborne wastes. The state agencies shall consult with local health departments and others in preparing the report. The act expires January 1, 1990.

Votes on Final Passage:

Senate	46	0
House	98	0

Effective: June 9, 1988

SSB 6266

C 258 L 88

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Vognild and Barr)

Revising provisions for aquifer protection districts.

Senate Committee on Environment & Natural Resources

House Committee on Local Government

Background: The 1985 Legislature authorized the creation of aquifer protection areas to finance the protection, preservation, and rehabilitation of subterranean water, and to reduce special assessments imposed upon households to finance facilities for such purposes. County legislative authorities may create such areas upon approval by majority vote of the voters residing within the proposed area. Aquifer protection areas may charge fees on the withdrawal of subterranean water and on on-site sewage disposal. Fee revenues may be used to fund comprehensive plan preparation, construction of water quality facilities, and the reduction of special assessments imposed for construction of water quality facilities.

Summary: Any aquifer protection area formed after the effective date of this 1988 act may impose fees for monitoring and inspecting on-site sewage disposal systems or community sewage disposal systems, and for enforcement of compliance with standards applicable to such systems.

Votes on Final Passage:

Senate	46	1	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: June 9, 1988

SB 6271

C 245 L 88

By Senators Deccio, Wojahn, Smith, Kreidler and Nelson

Regulating care provided in the home to ill, disabled, or infirm persons.

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

Background: In-home services for the ill, disabled and aged population are classified into home health care, home care, and hospice care categories. Home health care refers to health and medical services such as nursing rehabilitation therapies, nutritional therapy, and a variety of other vital health services. Home care refers to supportive services such as personal care assistance which help maintain the independence of the homebound person. Hospice care refers to physical, social and emotional care for the terminally ill, and emotional support to the family during the bereavement period.

There are no minimum mandatory state standards for providers of in-home services. Home health and hospice services are subject to a voluntary certification

program administered by the Department of Social and Health Services. Present certification standards are based upon federal Medicare requirements. Certification is often required for third-party reimbursement.

The growing elderly population plus potential cost-containment benefits of providing in-home services are expected to increase future demand for home health, home care and hospice services.

Summary: The in-home health care industry is regulated by separately licensing home health, hospice and home care agencies. The Department of Social and Health Services (DSHS) is the designated licensure authority which establishes standards for each type of agency. A certificate of need is not required for licensure. DSHS is given enforcement authority and may revoke a license or assess a penalty in order to assure compliance. The Secretary of DSHS is authorized to establish licensure fees.

Home health agencies provide home health aide services or two or more medical or health related services. Home care agencies provide personal care, homemaker services, respite care or other nonmedical in-home services. Hospice agencies provide medical and home care services to the terminally ill.

Exemptions from licensure are provided for family members, certain entities furnishing durable medical equipment; providers who contract with a licensed agency; employees, volunteers or contract providers of a licensed agency; certain facilities and institutions already licensed by the state; medically approved kidney dialysis programs; volunteer home care agencies; case management services and individuals providing home care through a direct agreement with third-party payers where home care services are not readily available through an agency.

Volunteer hospice programs established before January 1, 1988, that do not meet licensure requirements may use the term "volunteer hospice." All volunteer hospice agencies that apply for licensure are exempt from professional liability, public liability and property damage insurance requirements.

Nursing homes and hospitals are required to be licensed for home health, home care and hospice services provided outside the nursing home or hospital facility.

Insurance requirements are established.

In-home service agencies must submit applications for licensure with licensure fee to DSHS by July 1, 1989. DSHS must license these applicants by July 1, 1990.

DSHS collects data on services provided by licensed agencies. DSHS may combine applications, on-site

inspections and audits and may reduce fees for agencies applying for more than one in-home service license.

Each in-home agency is required to issue clients a consumer bill of rights.

Third party payment may be made only to licensed home health and hospice agencies, though third-party payments may also require adherence to Medicare standards as a condition for payment.

The act will sunset on July 1, 1993. The Legislative Budget Committee is directed to conduct a fiscal and program review on this act by December 31, 1992.

A surcharge to license fees may be added to cover initial implementation costs.

Appropriation: An appropriation of \$38,875 is made from the general fund-state.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 1, 1989

SSB 6290

C 35 L 88

By Committee on Economic Development & Labor (originally sponsored by Senators Lee, Warnke, Bluechel, Anderson, Fleming, Conner, Smitherman, West, Johnson, Gaspard and von Reichbauer; by request of Department of Trade and Economic Development)

Broadening and extending the Washington ambassador program.

Senate Committee on Economic Development & Labor

House Committee on Trade & Economic Development

Background: The Washington Ambassador Program was first created in 1984 as the honorary commercial attache program and reestablished under its present name in 1985. The program was placed in the Department of Trade and Economic Development with the intention of promoting Washington products in international markets and encouraging foreign investment in the state. The ambassador program utilizes the skills of individuals who are familiar with Washington products and investment opportunities. Ambassadors are appointed by the governor with the consent of the President of the Senate. They receive no remuneration

and are prohibited from promoting their own business interests while acting in an official capacity.

The Legislative Budget Committee conducted a performance audit of the program in 1987 under the sunset review process and recommended the program be reauthorized until 1992 with the following modifications: a management system should be developed to measure and track the ambassador program's performance; and additional authorization should be provided to the program to operate on a national basis.

Summary: The Washington Ambassador Program is reauthorized with the following modifications: the program is permitted to operate on a national basis; the level of the Department of Trade and Economic Development's background research and reference evaluation of proposed ambassadors is reduced; and ambassadors are not required to receive a flag upon appointment.

The program is scheduled to terminate under the sunset process on June 30, 1992.

Votes on Final Passage:

Senate	46	0
House	95	0

Effective: June 9, 1988

SB 6291

C 90 L 88

By Senators von Reichbauer, Bender, Sellar, Johnson and Gaspard; by request of Department of Transportation

Expanding state relocation assistance and realty purchase policies.

Senate Committee on Transportation
House Committee on State Government

Background: In 1970 Congress adopted the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) which set forth specific requirements relating to the acquisition of property for public works projects and programs and the relocation of persons or businesses which are displaced as a result of such acquisitions.

In order for state and local governments to receive federal financial assistance on public works projects they must be in compliance with the requirements of the Uniform Act. In order to guarantee compliance and to ensure uniformity between state and local governments, the Legislature adopted the State Relocation Assistance and Real Property Acquisition Act.

This act, adopted in 1971, is modeled after and is very similar to the federal act.

In 1987, Congress adopted a number of substantive amendments to the Uniform Act. These amendments will take effect on April 1, 1989. To avoid delays in obtaining federal financial assistance for public works projects, it is necessary to amend state law to bring it into compliance with the amended Uniform Act.

State acquisition policy provides that prior to exercising its power of eminent domain, the state or a local government which is acquiring real property is required to make every reasonable effort to acquire the property by direct negotiation. Among other things, the property is to be appraised and the agency is to offer to purchase the property for a just amount equal to or greater than the appraised value. If the property is to be acquired through the exercise of the power of eminent domain, then formal condemnation proceedings are to be instituted.

As required by federal law, relocation assistance and acquisition laws apply to all state and local governments engaged in projects which are funded in whole or in part by federal monies.

In cases where no federal funds are involved, state agencies are still required, under state law, to comply with the relocation assistance and acquisition laws. However, under these circumstances, local governments are not required to comply with either relocation assistance or acquisition laws.

As a means of ensuring uniformity between state and local government, state law requires the State Department of Transportation to adopt rules implementing the relocation assistance and acquisition statutes. These rules, in turn, govern the relocation and acquisition activities of all state agencies and local governments.

In order to be eligible for relocation assistance, a person, business, or farm must be displaced as a result of the acquisition of the property which the person, business, or farm is occupying.

In regards to relocation assistance, both federal and state law set forth specific eligibility requirements for and limitations on payments.

There are four basic types of relocation assistance. These are: (1) moving expenses, (2) payments to replace a dwelling, (3) rental supplements for tenants, and (4) relocation advisory services (assistance in locating a new dwelling and adjusting to the relocation).

Summary: Numerous amendments are made in state relocation assistance and acquisition laws in order to

bring them into compliance with federal law. Generally, these amendments (1) expand eligibility for relocation assistance; (2) establish new limits on the payments that may be made for relocation to reflect current costs, and (3) give the Department of Transportation more flexibility in establishing payment schedules.

To a large extent, the proposed amendments to state law are identical to the 1987 amendments to the federal Uniform Act.

As required by federal law, the application of relocation assistance and acquisition laws is extended to cover nongovernmental entities which have the power of eminent domain under state law.

While not required by federal law, state law requires local governments to comply with acquisition laws in cases where no federal funds are involved. Nongovernmental entities would have the option of electing not to comply with acquisition laws in cases where no federal funds are involved.

Local governments retain the option of not complying with relocation assistance laws in cases in which no federal funds are involved. This same option is extended to nongovernmental entities with the power of eminent domain.

In addition to incorporating the federally required amendments, the relocation assistance and acquisition laws have been substantially rewritten and reorganized. There are numerous technical amendments included for purposes of clarification or as a result of the reorganization of the chapter. Provisions are added which provide that relocation assistance payments may be withheld if the recipient is receiving similar payments under other federal, state, or local programs.

Votes on Final Passage:

Senate 46 0
House 91 0 (House amended)
Senate 42 0 (Senate concurred)

Effective: March 16, 1988

SB 6293

C 37 L 88

By Senators Deccio, Kreidler, Newhouse, Vognild, Johnson, Wojahn, Smith, Niemi, Nelson, Halsan, Kiskaddon, Fleming, Sellar, Rinehart, Stratton, Garrett and von Reichbauer

Revising provisions for activities of registered nurses.

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

Background: The nurse practice act does not provide specific authority for registered nurses to pronounce death. In practice, pronouncing death involves an assessment of a person's vital signs such as the presence of a pulse, reflex and optical assessment and measuring blood pressure. If vital signs indicate death, a notation is made on the patient's chart and the body is removed for disposition.

The certification of death is separate from the pronouncement of death as provided for in the act. The certificate of death involves the documentation of facts concerning the death, such as the cause, who last attended the decedent and other pertinent medical data.

Summary: The nurse practice act is amended to clarify that registered nurses shall not be prohibited from determining and pronouncing death.

Votes on Final Passage:

Senate 49 0
House 98 0

Effective: June 9, 1988

SB 6295

C 24 L 88

By Senators Garrett and Patterson

Updating the Model Traffic Ordinance.

Senate Committee on Transportation
Senate Committee on Transportation

Background: The 1975 Washington Model Traffic Ordinance (MTO) is a listing of all state traffic laws which are applicable to a municipality and can be adopted by reference by any local authority to serve as its traffic ordinance. A local authority may adopt the MTO in full or in part and may at any time exclude any section or sections it does not wish to include. It is a service to which three-fourths of the cities and 20 of the 39 counties subscribe.

The object of this legislation is to incorporate into the MTO the new legislative enactments that relate to the regulation of traffic and motor vehicles within a municipality. Including these statutes by reference in the model ordinance allows the cities, towns and counties which have adopted the MTO to enforce these laws without having to enact separate ordinances for each one.

If a municipality desires to implement a new traffic law prior to legislative passage of the updated MTO, then it must enact its own local ordinance compatible with the state law.

Summary: The Model Traffic Ordinance is updated to include traffic-related legislation passed during the 1987 legislative session.

These laws enacted in 1987 include: (1) making it a misdemeanor to allow an unauthorized person the use of one's vehicle; (2) authorizing law enforcement to confiscate the vehicle registration certificate when arresting a person for driving without a valid driver's license (effective 7-1-88); (3) making it a gross misdemeanor for anyone to assist a person in starting a vehicle with an ignition interlock device in place; (4) establishing fines for anyone driving a vehicle after reinstatement of suspension until proof of financial responsibility is given; (5) providing standards for police impoundment of abandoned vehicles, authorization for the removal of a vehicle by law enforcement, and authorization to require a nonresident receiving a traffic citation to post bail, bond or cash security for the amount of the infraction penalty.

Votes on Final Passage:

Senate 46 0
House 92 0

Effective: June 9, 1988

SB 6296

C 21 L 88

By Senators Nelson, Hansen, Owen, McMullen, McCaslin, Sellar, Conner and Johnson

Authorizing the state patrol to operate ports of entry jointly with other states.

Senate Committee on Transportation
House Committee on Transportation

Background: The Department of Transportation is negotiating with the Idaho Department of Transportation for joint use of port of entry facilities. This would allow the placement of a Washington State Patrol officer in Idaho and the placement of an Idaho official in Washington. The purpose is to deny entry of commercial vehicles which leave either state without having acquired the proper permits.

Idaho has a similar arrangement with Montana on the Idaho-Montana border.

Summary: The Washington State Patrol is authorized to enter into bilateral agreements with bordering states for the joint operation of ports of entry. Either party state may deny a vehicle entrance into its state until all fees and taxes due in the other state are satisfied.

Votes on Final Passage:

Senate 45 0
House 91 0

Effective: June 9, 1988

SB 6297

C 130 L 88

By Senators von Reichbauer, Moore, Krcidler and Johnson; by request of Department of Labor and Industries

Revising investment policies for funds of the department of labor and industries.

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

Background: The State Investment Board was established in 1981 to invest and reinvest public trust and retirement funds. The board is required to establish investment policies and procedures designed to maximize return with a prudent level of risk.

Summary: Until July 1, 1989, the State Investment Board is required to establish investment policies for industrial insurance funds that are designed to limit fluctuations in industrial insurance premiums and, subject to this limitation, maximize return at a prudent level of risk.

The board will prepare a report recommending changes in current investment policies. The report must be presented to the Senate Committee on Financial Institutions and Insurance and the House Committee on Commerce and Labor at the start of the 1989 legislative session.

Appropriation: \$100,000 in equal parts from the industrial insurance medical aid and accident funds to the State Investment Board

Votes on Final Passage:

Senate 47 0
House 95 0 (House amended)
Senate (Senate refused to concur)
House (House refused to recede)

Free Conference Committee

House 96 0
Senate 47 0

Effective: June 9, 1988

SSB 6298

C 124 L 88

By Committee on Governmental Operations (originally sponsored by Senators Zimmerman, Williams and Bluechel; by request of Community Development)

Revising provisions on abandoned property with historical value.

Senate Committee on Governmental Operations
House Committee on Natural Resources

Background: Advances in technology are improving the discovery and the economic feasibility of salvaging shipwrecks and other under-water historic artifacts. As states become more interested in their history, the state needs to protect its interest in this historic property, both as to ownership and regulation.

The Washington State Constitution (Article 17) asserts ownership to all beds and shores of navigable waters, and the Federal Submerged Lands Act grants ownership of bedlands of navigable waters and the natural resources located within three geographic miles of the state's coastline.

Ownership of items abandoned on these bedlands is not specifically declared in statute, nor has the issue been litigated in Washington courts. Federal Admiralty Court has jurisdiction over salvage actions for treasure and ancient shipwrecks, and the general rule is that the property is awarded to the finder.

The Department of Community Development (DCD) requires a permit for the removal and alteration of archaeological resources from public lands except for artifacts found exposed on the surface of the ground or those found on shorelands below the line of ordinary high-water or within the intertidal zone.

Summary: Historic shipwrecks and underwater artifacts shall be managed by the Department of Community Development. The department shall establish rules which will protect the historic value and environmental integrity of the historical shipwrecks and archaeological properties, while allowing for public and private sector recovery of abandoned shipwrecks and submerged archaeological properties.

All treasure troves, artifacts, and objects of historic value that have been abandoned for more than 30 years on submerged state land belong to the State of Washington. Prior to the removal of any of these items, a permit must be obtained from the department.

The division of proceeds from salvage operations for the recovery of shipwrecks shall be 10 percent to the state and 90 percent to the salvor. Fees assessed by the Department of Natural Resources shall not be a part

of the state's potential 10 percent share. All of the state's share of the proceeds shall go to historic underwater archaeology. The state does not claim any proceeds from aircraft. Title for aircraft can only be released to a museum or nonprofit agency.

Votes on Final Passage:

Senate	45	2	
House	95	0	(House amended)
Senate	40	3	(Senate concurred)

Effective: March 18, 1988

SSB 6305

C 144 L 88

By Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Bailey, McCaslin, Lee, Garrett, Rasmussen, Nelson and Smith)

Altering the statute of limitations for child sexual abuse.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Many people who are sexually abused as children may not discover the abuse until later in adult life. The statute of limitations requires the childhood sexual abuse victim to bring an action within three years of the occurrence of the abuse or within three years after the victim reaches the age of majority. Therefore, people who have not discovered that they were abused until after the three-year rule expires are barred from bringing an action.

Summary: The statute of limitations is changed to allow victims of childhood sexual abuse an additional three years from the date of discovery of the abuse to bring an action for civil damages against the abuser for intentional childhood sexual abuse. "Child" is defined as a person under the age of 18. "Childhood sexual abuse" is defined as an act which violates the sexual offenses statute or an act which constitutes sexual exploitation of a minor.

The medical malpractice statute of limitations does not apply to civil actions brought under the childhood sexual abuse statute of limitations for intentional conduct resulting in childhood sexual abuse as defined in the act.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: June 9, 1988

SSB 6308

C 234 L 88

By Committee on Children & Family Services
(originally sponsored by Senators Bailey and
Kiskaddon)

*Requiring the development of a juvenile court training
curriculum.*

Senate Committee on Children & Family Services
House Committee on Human Services

Background: The Washington State Code Review Panel recognizes that appropriate training and adequate experience in juvenile and family law are essential to a just and effective dependency system. The panel recommended to the Legislature that a curriculum for a general understanding of child development and treatment resources, as well as specific legal skills and knowledge of relevant statutes, cases, court rules, interviewing skills and special needs of the abused or neglected child should be developed and required for all participants. The development of this curriculum is critical, particularly in light of the system used in most superior courts in which superior court judges, some with no experience or education in dependency matters, are rotated through juvenile court.

Summary: The Legislature recognizes that a need exists to have judges, attorneys, court personnel and service providers properly trained to handle cases in the dependency and at risk youth systems. The Office of the Administrator for the Courts shall develop a curriculum which shall be available to all juvenile court judges, attorneys, court personnel and service providers. The curriculum shall specifically include materials on RCW 13.32A and RCW 13.34.

The general purpose of the curriculum is to develop an understanding of child development and treatment resources. The specific intent of the curriculum is to develop the legal and interviewing skills necessary for handling dependency cases as well as developing the knowledge of relevant statutes, cases and court rules. The curriculum also is designed to educate judges, attorneys, court personnel and service providers on the special needs of the abused or neglected child.

The curriculum shall be available by July 1, 1988.

Votes on Final Passage:

Senate	44	0	
House	94	1	(House amended)
Senate	43	0	(Senate concurred)

Effective: June 9, 1988

SB 6313

C 70 L 88

By Senators McDonald, Gaspard, Bailey,
Zimmerman, Kreidler and Lee

*Providing for retirement of loans from the resource
management cost account to the forest development
account.*

Senate Committee on Ways & Means
House Committee on Natural Resources

Background: Funds for the Department of Natural Resources' (DNR) management of the federal land grants are appropriated from the Resource Management Cost Account (RMCA) established in Chapter 79.64 RCW to receive a portion of the revenues from management of the granted lands. The RMCA is an asset of the federal land grant trusts.

DNR also manages State Forest Board lands, which came into state ownership through transfer or purchase under Chapter 76.12 RCW. The fund into which a portion of the revenue from these lands is deposited is the Forest Development Account (FDA).

Over the past 25 years funds from RMCA have been appropriated and expended to pay part of the costs of managing State Forest Board lands. The expenditures of these funds, however, are to be considered a debt against these board lands and are to be repaid with interest to RMCA pursuant to law.

It was determined recently that an inadvertent accounting error was repeated over a period of time, incorrectly indicating the loaned funds to be returned to RMCA. Additionally, high interest rates and low timber prices caused the loan to increase faster than anticipated.

Summary: The Department of Natural Resources, subject to the approval of the Board of Natural Resources, is to repay all or part of the interfund loan through a transfer of cutting rights from the Forest Board Purchase lands to the federally-granted trusts which are the ultimate owners of any loan due to RMCA. The granted trusts will receive the revenues from the transferred cutting rights. Revenues to the counties and general fund from the Forest Board Purchase lands will be unaffected.

The Board of Natural Resources is authorized to set an interest rate for any of this interfund loan which may be carried forward or incurred in the future. Direct transfers between RMCA and FDA are authorized solely to repay any such loan.

Votes on Final Passage:

Senate 44 0
House 97 0

Effective: June 9, 1988

SSB 6316
PARTIAL VETO
C 282 L 88

By Committee on Law & Justice (originally sponsored by Senators Pullen, Madsen, Zimmerman, Vognild, Bailey, Saling, Johnson, Talmadge, Metcalf, Bauer and West)

Providing for the seizure of assets in drug cases.

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

Background: Under the enforcement and administrative provisions of Washington State's Uniform Controlled Substances Act, materials and property used to commit or facilitate a violation of the act are subject to seizure and forfeiture by law enforcement officers. However, the present language does not provide for the seizure and forfeiture of real property which is used in violation of the act.

The proceeds from the sale of forfeited property under the act pays for the expenses of the investigation leading to the seizure. The remainder is divided evenly between the general fund of the state, county, and/or city of the seizing law enforcement agency, and the public safety and education account.

Summary: The Legislature finds that the forfeiture of real property, where a substantial nexus exists between the commercial production or sale of the substances and the real property, provides a significant deterrent to crime by removing the profit incentive of drug trafficking. The Legislature also recognizes that seizure of real property is a powerful law enforcement tool that is not to be applied in cases where an injustice occurs as a result of forfeiture of an innocent spouse's community property interest.

Real property is subject to seizure and forfeiture if it is used to commit or facilitate the commission of certain violations pertaining to controlled substances, imitation controlled substances or legend drugs, if such activity is not less than a class C felony, and a substantial nexus exists between the commercial production or sale of the controlled substance and the real

property. Real property subject to seizure and forfeiture includes all separate and community interests. The owner's interest in the real property, including any community property interest, cannot be forfeited if the illegal activity is conducted without the owner's knowledge or consent.

The bona fide gift of a controlled substance, legend drug or imitation controlled substance cannot result in the forfeiture of real property. Possession of marijuana does not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantive nexus exists between the possession of marijuana and the real property.

The unlawful sale of marijuana or a legend drug cannot result in the forfeiture of real property unless the total sales amount to 40 grams or more in the case of marijuana or \$100 or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property.

Real property which is seized cannot be transferred or otherwise conveyed until 90 days after seizure or until the hearing on the forfeiture is held, whichever is later.

Notice of seizure of real property or of personal property of a value of \$10,000 or more must be by personal service upon the owner.

The proceeds from the sale of forfeited property under the act, after the payment of all expenses, are distributed 75 percent to the general fund of the state, county, and/or city of the seizing law enforcement agency, to be used exclusively for the expansion or improvement of law enforcement services. Twenty-five percent is directed to the State Treasurer for deposit in the public safety and education account. A seizure of money and proceeds which is less than \$5,000 may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and must be appropriated exclusively for the expansion of narcotics enforcement services. Proceeds from the sale of forfeited property may also be used for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances.

Upon the entry of an order of forfeitures of real property the court is required to forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property must be entered by the superior court, subject to court rules.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	41	1	(Senate concurred)

Effective: June 9, 1988

Partial Veto Summary: All the provisions of the bill are vetoed except for the sections related to changing the distribution of funds received for personal property which is forfeited. The funds are distributed 75 percent to the general fund of the state, county, and/or city of the seizing law enforcement agency, to be used exclusively for the expansion or improvement of law enforcement services. Twenty-five percent is directed to the State Treasurer for deposit in the public safety and education account. Seizures of less than \$5,000 may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and must be appropriated exclusively for the expansion of narcotics enforcement services. Proceeds from the sale of forfeited property may also be used for the purpose of rewarding informants. (See VETO MESSAGE)

SSB 6332

C 226 L 88

By Committee on Governmental Operations (originally sponsored by Senators Newhouse and Rasmussen)

Providing for unclaimed property in museums and historical societies.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Most museums or historical societies holding loaned property are subject to laws applying to "bailments"—circumstances in which a party holds property on behalf of another. When property held under the terms of a bailment is not reclaimed, the holder, or "bailee", must take steps to notify the party with rights in the property, or "bailor", that the property should be reclaimed. Under existing law, if the property is not reclaimed 60 days after notice is given, it may be donated to a charitable organization if it is worth less than \$100. When the bailor is a museum or historical society qualifying as a charitable organization, it may keep the property. If the property is worth more than \$100, it is given to city police or the county sheriff to be sold, retained or destroyed as unclaimed property.

Laws pertaining to unclaimed intangible property (including money, checks and corporate stock) specify

that this property is to be transferred to the Department of Revenue and may eventually be sold.

It is suggested that a procedure should be established to enable museums and historical societies to acquire title to unclaimed property that has apparently been abandoned.

Summary: Any museum or historical society operated by a nonprofit or public agency is authorized to keep unclaimed property that has been lent to it, provided that certain procedures are followed.

Owners of unclaimed property with addresses on record must be notified by certified mail that their property will become the property of the museum or historical society if it is not claimed. If an address is not available, or if a receipt is not received for the mailed notice, notice must be published in a newspaper of general circulation for two consecutive weeks in the county in which the museum is located and in the county of the last known address of the owner. If no claim is made for the property within 90 days of the second published notice, it becomes the property of the museum or historical society.

Unless there is an agreement specifying otherwise, property held for five years or more that has remained unclaimed is deemed abandoned and subject to permanent acquisition by the museum or historical society. In addition, loaned property is deemed to have been donated if no attempt is made to recover it at the termination of the loan. In both cases, the notice procedure must first be followed.

A loan to a museum or historical society for an indefinite period may be terminated if the property has been held for five years or more.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: June 9, 1988**SB 6338**

C 39 L 88

By Senators Kiskaddon, Stratton, Craswell, Wojahn, Garrett, Kreidler, Bailey and McDonald; by request of Department of Social and Health Services

Revising provisions governing consultation by department of social and health services on reports of abuse.

Senate Committee on Children & Family Services
House Committee on Human Services

SB 6338

Background: The 1987 Legislature amended the statute to require the Department of Social and Health Services to establish and work with multi-disciplinary teams and other consultants in case planning in child abuse cases. The amendatory phrase "with consultants designated by the department" was inadvertently placed in the wrong sentence in the subsection. As the statute currently reads, the department cannot work with consultants and multi-disciplinary teams unless first requested to do so.

Summary: The 1987 amendatory language, "without consultants designated by the department," is moved from the ninth sentence in subsection (6) to the third sentence in subsection (6). The proper placement of the phrase will allow the Department of Social and Health Services to conduct case planning with designated consultants whenever it deems appropriate.

Votes on Final Passage:

Senate	48	0
House	92	0

Effective: June 9, 1988

SB 6339

C 14 L 88

By Senators Kiskaddon, Stratton, Craswell, Wojahn, Garrett, Kreidler, Bailey and McDonald; by request of Department of Social and Health Services

Clarifying certain provisions governing the relinquishment and adoption of children.

Senate Committee on Children & Family Services
House Committee on Human Services

Background: During the 1987 legislative session, state law was revised to reflect the requirements of the Federal Indian Child Welfare Act as it pertains to court validation of voluntary consent to out-of-home placement of Indian children. It was the intention of the bill's drafters that juvenile courts would have original jurisdiction over validation proceedings for voluntary foster care placements of Indian children. Inadvertently, juvenile courts were given exclusive jurisdiction over all proceedings pertaining to court validation of parents' consent to relinquishment or adoption, which in most cases is the function of superior court. The result is that relinquishments and adoptions of Indian children obtained in superior court after July 25, 1987, the effective date of last year's bill, might potentially be vacated for lack of proper jurisdiction.

Summary: The Juvenile Court Act is amended to eliminate the reference to relinquishments or adoptions

under the list of proceedings which are the exclusive jurisdiction of juvenile courts.

A new section is added which declares as valid any relinquishment or adoption proceeding for an Indian child, obtained from July 25, 1987, until the time this legislation goes into effect, whether obtained in juvenile or superior court.

Votes on Final Passage:

Senate	49	0
House	97	0

Effective: June 9, 1988

SSB 6342

C 228 L 88

By Committee on Energy & Utilities (originally sponsored by Senators Lee and Talmadge)

Requiring breakdown of taxes paid in utility bills.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: Some utility billing statements clearly state direct taxes paid by the customer. In the case of light and power businesses, certain taxes are levied against the income of the business and not on specific transactions. For example, the public utility tax is calculated as part of the base rate and not charged directly to the customer.

Concern has been raised that the base rate for some utility customers may include taxes levied by a taxing district which does not include these customers. One example could occur when municipal taxes are included as part of a base rate charged to all customers, including those residing outside of municipal boundaries.

Summary: Billing statements issued by light and power businesses and gas distribution businesses serving at least 20,000 customers must indicate the rate and amount of direct taxes paid by the customer. The billing statement also shall list the rate, origin, and approximate amount of each tax levied upon the revenue of the light and power business or gas distribution business and added as a component of the amount charged to the customer. The following taxes based upon revenue do not need to be listed: federal, privilege, fees for the public service revolving fund, and business and occupation.

Votes on Final Passage:

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

Effective: January 1, 1989

SSB 6344

C 254 L 88

By Committee on Agriculture (originally sponsored Senators Barr, Hansen, Bailey and Anderson; by request of Department of Agriculture)

Revising provisions relating to agriculture.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

House Committee on Ways & Means

Background: Agricultural Local Fund: Several agriculturally related statutes comprise the Agricultural Local Fund. Under the authority of each statute, the Department of Agriculture deposits in the fund all the fees and fines collected to administer and enforce the requirements and obligations directed by the statute. Each statute also specifies the manner in which the monies collected under its authority are to be distributed. An appropriation is not required for disbursement.

The fund is considered an efficient means of collecting the fees and distributing the money needed to carry out the duties of the department. Several other fee generating statutes, however, are not in the fund and remain as appropriated funds in the treasury. These include the Seed Act, the Fertilizer Act, the Animal Remedy Act, and the Commercial Feed Act.

Controlled Atmosphere Storage Business Licensing: A controlled atmosphere storage is a storage warehouse in which the atmospheric gases and the temperature are regulated to control the condition and maturity of fresh fruit and vegetables. Under statute, the department may charge a \$5.00 annual licensing fee for controlled atmosphere storage businesses, but it does not cover the costs of administering this law.

Horticulture District Inspector: Each county may establish a horticulture pest and disease board to more effectively control and prevent the spread of pests and diseases. The board is comprised of four members appointed by the county commissioners and one member who is to be the "inspector at large" for the horticulture district. However, the "inspector at large" position no longer exists in the department, and the language of statute has become obsolete.

Frozen Products Labeling: A retailer must label specific food fish and meat products as "frozen" if the products have been frozen "subsequent to being offered for sale or distribution to the ultimate consumer." The time at which labeling must occur has

been confusing and inconsistent with the poultry "frozen" labeling requirements.

Certificates to Food Processors: The department has no statutory authority to issue and charge a fee for food processors for sanitary certificates. However, food processors, including the entire agri business food processing community, are required to have a sanitary certificate by foreign countries for exported process foods. Although the department is issuing the certificates now, it is unable to recoup its costs.

Commission Merchants Act: The Commission Merchants Act requires businesses to be licensed and bonded. Retail business activities are specifically exempt from this requirement. Some businesses are attempting to avoid licensure and bonding by claiming that the retail portion of their business exempts them from the requirements for their wholesale activities.

Commission merchants are required to list and post a schedule of commissions and an itemized list of all charges for services to be rendered to a consignor. Producers who consign their products to commission merchants have been having problems with knowing the specific charges of a consignor.

Washington Wine Commission: The Wine Commission is an agricultural commodity commission composed of one nonvoting and eleven voting members. Although the department's director, or the director's designee, is a member on all other commodity commissions, the Wine Commission does not include the director as a member.

Boilers and Unfired Pressure Vessels: With certain exceptions, boilers and unfired pressure vessels must be inspected by personnel of the Department of Labor and Industries. Rules regarding such inspections are established by the Board of Boiler Rules.

Summary: Agricultural Local Fund: An agricultural local fund is established and will consist of money collected pursuant to specific statutory authority. The money deposited in the fund may be expended only in accordance with restrictions in the law. No appropriation is required for disbursements from the fund. The fees, fines and other monies collected under the Seed Act, the Fertilizer, Agricultural Minerals and Limes Act, the Animal Remedy Act and the Commercial Feed Act are placed into the Agricultural Local Fund.

Controlled Atmosphere Storage Business Licensing: The increased fee provisions for licensing controlled atmosphere storage businesses are made by the rule making process.

Horticulture District Inspector: The Department of Agriculture director has authority to appoint the fifth member of the Horticulture Pest and Disease Board.

Frozen Products Labeling: Any food fish or meat products, as defined in law, must be labeled in a "frozen state" before sale if the product has been frozen at any time.

Certificates to Food Processors: The department has authority to issue and charge for food processors for sanitary certificates. The sanitary certificate is not mandatory and has a fee charge of \$20.00.

Commission Merchants Act: A retailer is exempt from the licensing and bonding requirements of the Commission Merchants Act only for the retail business conducted at the place of business. Commission merchants must distribute to each consignor with every contract the itemized list of the merchant's charges. A merchant who fails to itemize and distribute a list of charges is guilty of a civil infraction. Commission merchants are to keep records on the quality and quantity of agricultural products sold and proof of payments received on behalf of the consignor. Commodities governed by the state Grain Warehouse Act are not subject to the Commission Merchants Act. Agricultural commodities defined in the Grain Warehouse Act include only those products listed in statute or similar products listed by the department by rule.

Wine Commission: The Department of Agriculture director is added as an ex officio, nonvoting member to the Wine Commission.

Boilers and Unfired Pressure Vessels: Unfired pressure vessels that are part of fertilizer rigs used exclusively for agricultural operations are exempt from the inspection requirements of state law.

Votes on Final Passage:

Senate	48	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	49	0	(Senate concurred)

Effective: June 9, 1988

SSB 6350

C 89 L 88

By Committee on Law & Justice (originally sponsored by Senators Smith, Halsan, Zimmerman, West and Bauer)

Establishing a civil penalty for killing or injuring a guide or service dog.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: It is a gross misdemeanor for a person to intentionally take, lead away, confine, secrete, convert,

wilfully kill or injure any dog. It also is a gross misdemeanor to conceal the identity of any dog or its owner. Violation of this law can result in up to one year in jail and/or a fine of up to \$1,000. Other states have laws similar to Washington's law. When this law has been violated in other states, there has been little or no prosecution. Concern exists that the same result may occur in Washington.

Summary: A civil penalty is imposed as an option for the user of a guide or service dog wilfully injured or killed.

A person who negligently or maliciously kills or injures a guide or service dog must pay a penalty of \$1,000 to the dog's user. This penalty is in addition to any other remedies or penalties, either civil or criminal, provided in the law.

When a guide or service dog is negligently or maliciously injured or killed, the user or owner of the dog is entitled to recover attorney fees and costs incurred in pursuing any civil remedy.

Votes on Final Passage:

Senate	49	0
House	96	1

Effective: June 9, 1988

SB 6354

FULL VETO

By Senators Lee, Smitherman and McMullen; by request of Department of Labor and Industries

Changing the definition of wages for industrial insurance purposes.

Senate Committee on Economic Development & Labor

House Committee on Commerce & Labor

Background: Tips and gratuities are not included in the definition of wages for industrial insurance purposes. This means that benefits for temporary total disability (time loss) are calculated by excluding tips and gratuities. This significantly deflates the benefit received by injured workers who normally receive a substantial part of their compensation as tips and gratuities.

Conversely, tips must be reported by workers as income for federal income tax purposes.

Summary: The definition of wages for workers' compensation purposes, including the computation of benefits, is amended to include tips to the extent they are reported for federal income tax purposes.

Votes on Final Passage:

Senate 49 0
House 96 0

FULL VETO: (See VETO MESSAGE)

SSB 6357

C 139 L 88

By Committee on Economic Development & Labor
(originally sponsored by Senators Lee and
Smitherman; by request of Department of Labor and
Industries)

*Clarifying provisions relating to contractors' bonds
and securities.*

Senate Committee on Economic Development &
Labor

House Committee on Commerce & Labor

Background: Contractor bond requirements for obtain-
ing and maintaining certificates of registration and the
procedures through which a person, firm or corpora-
tion may file a claim against the contractor's bond are
established by law.

Summary: A party with a claim against a contractor
for wages, costs of materials, taxes and contributions
due, or judgments against the contractor for negligent
or improper work or breach of contract, may bring suit
against a cash deposit as well as any bond. A summons
must be filed with any complaint filed against a con-
tractor's bond or deposit. The issue of cumulation of
bonds is addressed in an added sentence which clarifies
that the liability of surety shall not cumulate where a
bond is extended in any manner.

Votes on Final Passage:

Senate 49 0
House 97 0 (House amended)
Senate 47 0 (Senate concurred)

Effective: June 9, 1988

SB 6362

C 15 L 88

By Senators Nelson, von Reichbauer, Barr and Pat-
terson

*Regulating license plates and fenders on antique vehi-
cles.*

Senate Committee on Transportation
House Committee on Transportation

Background: Any vehicle forty years or older shall,
upon application, be issued a special commemorative
license plate in lieu of the regular license plate.
Though statute mandates only one plate be issued, the
Department of Licensing will issue the commemora-
tive plates in sets of two until the existing inventory is
depleted. Legislation is needed to clarify the placement
of the license plate when only one is issued.

The motor vehicle equipment laws of this state
require that every motor vehicle be equipped with
fenders, covers, flaps, or splash aprons adequate for
minimizing the spray or splash of water or mud from
the roadway to the rear of the vehicle.

Summary: Only one license plate is required for
antique vehicles. Current law is clarified, requiring the
placement of the single license plate on the rear of the
vehicle.

An exemption to the vehicle equipment laws is cre-
ated. Antique vehicles, forty years old and operated as
collectors' items, are not required to have fenders
when they are used and driven during fair weather on
well-maintained, hard-surfaced roads.

Votes on Final Passage:

Senate 45 0
House 98 0

Effective: June 9, 1988

SB 6370**PARTIAL VETO**

C 127 L 88

By Senators Pullen, Talmadge and McCaslin; by
request of Statute Law Committee

*Correcting obsolete statutory references resulting from
a devolution of power from the department of conser-
vation.*

Senate Committee on Law & Justice
House Committee on State Government

Background: In 1979, the office of the Code Reviser
began the process of cleaning up obsolete references in
Washington statutes. Legislation often devolves powers
onto newly created agencies or transfers powers from
one agency to another but does not amend every sec-
tion to refer to the proper agency. There are concerns
that the Washington code may not be as useful to the
public when it contains inaccurate references or refer-
ences to agencies that do not exist.

In 1921, the state Reclamation Board was abolished
and its powers and duties transferred to the Depart-
ment of Conservation and Development which was

SB 6370

later renamed the Department of Conservation. Along with the Weather Modification Board, the Columbia Basin Commission and the Power Advisory Committee, it was abolished in 1967 and the majority of powers were transferred to the Department of Water Resources. Later, the Department of Water Resources, the Water Pollution Control Commission and the Air Pollution Control Board were abolished and powers and duties were transferred to the Department of Ecology.

Summary: References to agencies and their divisions and offices which have been abolished are corrected. Since the Department of Conservation has been eliminated, all non-obsolete sections are recodified into the chapters on the Department of Ecology or the Department of Natural Resources. No additional authority is granted to the Department of Ecology.

Votes on Final Passage:

Senate	44	0	
House	97	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: June 9, 1988

Partial Veto Summary: Section 80, which reenacts RCW 90.22.010, is deleted. It has already been reenacted by Section 6 of SSB 6724 and is therefore redundant. (See VETO MESSAGE)

SB 6371

C 18 L 88

By Senators Pullen, Talmadge and McCaslin; by request of Statute Law Committee

Correcting a double amendment to the motor vehicle excise tax distribution section.

Senate Committee on Law & Justice
House Committee on Transportation

Background: The motor vehicles excise tax apportionment and distribution was reenacted twice during the 1987 Legislature, each without reference to the other. There is no substantive conflict between the two versions but they are unable to be merged for publication purposes because the sections were reenacted differently.

Summary: The motor vehicles excise tax apportionment and distribution is reenacted as one section with all changes incorporated within it.

Votes on Final Passage:

Senate	46	0	
House	97	0	

Effective: June 9, 1988

SB 6372

C 128 L 88

By Senators Pullen, Talmadge and McCaslin; by request of Department of Natural Resources and Statute Law Committee

Correcting obsolete statutory references involving natural resources.

Senate Committee on Law & Justice
House Committee on State Government

Background: In 1979, the office of the Code Reviser began the process of cleaning up obsolete references in Washington statutes. Legislation often devolves powers onto newly created agencies or transfers powers from one agency to another but does not amend every section to refer to the proper agency. There are concerns that the Washington code may not be as useful to the public when it contains inaccurate references or references to agencies that do not exist.

The Division of Forestry of the Department of Conservation and Development, the Board of State Land Commissioners, the State Forest Board, and all state sustained yield forest committees were abolished in 1957 and their powers and duties transferred to the Department of Natural Resources. The department also received the forestry powers and duties of the Director of Conservation and Development. In addition, the powers of the Capital Committee under RCW 79.24.010 through 79.24.087 were transferred to the department. The Board of Natural Resources was directed to perform the appraisal, appeal, approval, and hearing functions.

Summary: References to obsolete agencies are corrected and replaced at the appropriate places by references to the Department or Board of Natural Resources or the Commissioner of Public Lands.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: June 9, 1988

SB 6373

C 25 L 88

By Senators Pullen, Talmadge and McCaslin; by request of Statute Law Committee

Correcting obsolete statutory references.

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

Background: In 1979, the Code Reviser's office began the process of cleaning up obsolete references in Washington statutes. Legislation often devolves powers onto newly created agencies or transfers powers from one agency to another but does not amend every section to refer to the proper agency. There are concerns that the Washington code may not be as useful to the public when it contains inaccurate references or references to agencies that do not exist.

Summary: An inaccurate citation reference is corrected in section one of the Banking and Agriculture Act. In sections two through five, references to the Division of Banking of the Department of Taxation and Examination and the Division of Banking of the Department of Finance, Budget and Business are changed to the Division of Banking of the Department of General Administration. References to the director of marketing, the director of farm markets and the director of markets are changed to the director of agriculture. A numbering error is corrected in section 10 and a transfer section is decodified in section 11.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: June 9, 1988

SB 6374

C 19 L 88

By Senators Pullen, Talmadge and McCaslin; by request of Statute Law Committee

Correcting references to the state boxing commission.

Senate Committee on Law & Justice
House Committee on Commerce & Labor

Background: In 1979, the Office of the Code Reviser began the process of cleaning up obsolete references in Washington statutes. Legislation often devolves powers onto newly created agencies or transfers powers from

one agency to another but does not amend every section to refer to the proper agency. There are concerns that the Washington code may not be as useful to the public when it contains inaccurate references or references to agencies that do not exist.

In 1981, the "state athletic commission" was redesignated the "state boxing commission".

Summary: References to the "state athletic commission" are changed to the "state boxing commission" and a subsection numbering error which resulted from a gubernatorial veto is corrected.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: June 9, 1988

SB 6375

C 36 L 88

By Senators Pullen, Talmadge and McCaslin; by request of Statute Law Committee

Revising references to the department of wildlife.

Senate Committee on Law & Justice
House Committee on Natural Resources

Background: In 1979, the Office of the Code Reviser began the process of cleaning up obsolete references in Washington statutes. Legislation often devolves powers onto newly created agencies or transfers powers from one agency to another but does not amend every section to refer to the proper agency. There are concerns that the Washington code may not be as useful to the public when it contains inaccurate references or references to agencies that do not exist.

The 1987 Legislature redesignated the Department of Game, the Director of Game, the Game Commission, and the game fund as the Department of Wildlife, the Director of Wildlife, the Wildlife Commission, and the wildlife fund.

Summary: References to the Department of Game, the Director of Game, the Game Commission, and the game fund are corrected to read the Department of Wildlife, the Director of Wildlife, the Wildlife Commission, and the wildlife fund.

Votes on Final Passage:

Senate	47	0
House	96	1

Effective: June 9, 1988

SSB 6376

C 191 L 88

By Committee on Transportation (originally sponsored by Senators Nelson, McMullen, Metcalf and Bender; by request of Governor)

Extending one element of the motor vehicle excise tax.

Senate Committee on Transportation
House Committee on Transportation

Background: A temporary .1 percent increase in the Motor Vehicle Excise Tax was passed last session to help fund the ferry system operating budget through this biennium. The .1 percent will generate about \$21 million in 1987-89. The temporary rate increase is scheduled to sunset in December 1989.

Without this temporary increase, the ferry system would have required, once again, a transfer from the Capital Construction Account to the operating budget in order to maintain a fare/subsidy ratio of 70/30 percent.

Summary: The .1 percent Motor Vehicle Excise Tax increase for the marine operating budget is extended from December 1989 to December 1990. A joint committee composed of 15 members is created to study the Motor Vehicle Excise Tax. The chairperson of the House and Senate Ways and Means Committees, and the chairperson of the House and Senate Transportation Committees each appoint three members to the committee. The remaining three members include individuals from the Departments of Licensing, Transportation and from the Office of Financial Management.

Votes on Final Passage:

Senate	27	20	
House	72	25	(House amended)
Senate			(Senate concurred in part)
House	76	20	(House receded)
Senate	25	23	(Senate concurred)

Effective: June 9, 1988

SB 6396

C 140 L 88

By Senators West, Conner and Anderson; by request of Department of Labor and Industries

Ending the use of apprentices' assumed wage rates for computing disability compensation payments.

Senate Committee on Economic Development & Labor

House Committee on Commerce & Labor

Background: A worker who has either a temporary or permanent total disability is entitled to receive benefits equal to 60-75 percent of his or her wages, depending on the worker's marital status and number of dependents. The benefits may not exceed 75 percent of the state average monthly wage.

Apprentices and trainees who are injured during the hours they are participating in supplemental and related instruction classes are presumed to be paid at the rate of \$3 per hour.

It is suggested that actual wages rather than a presumed wage shall be used in computing disability compensation for apprentices or trainees injured in instruction classes.

Summary: The Department of Labor and Industries is directed to compute industrial insurance disability compensation payments for apprentices and trainees who are participating in supplemental and related instruction classes based upon the actual wage rate during employment.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	41	0	(Senate concurred)

Effective: June 9, 1988

SB 6397

PARTIAL VETO

C 273 L 88

By Senators Barr and Rasmussen

Revising provisions relating to forest fires.

Senate Committee on Environment & Natural Resources

House Committee on Natural Resources

Background: The Department of Natural Resources (DNR) is responsible for preventing and suppressing fires on state and private forest land. The DNR's mandate is to suppress forest fires. This mandate includes all activities involved in the containment and control of forest fires including patrolling such fires until they are extinguished and pose no further threat to life or property. This mandate does not extend to structure fire suppression.

The DNR has found that although they do not fight structural fires, forest fires in areas with residential development cause additional burdens and costs to fire suppression activities.

Summary: The first priority of the Department of Natural Resources (DNR) fire crews is to extinguish the fire. The crews shall secondarily ascertain the necessity of removing individuals or property from the area of the fire. The fire crews may assist those in immediate danger.

The fire protection and suppression responsibility in residentially developed forest areas is delineated so that the DNR protects forest land and suppresses forest fires and that the rural fire districts and municipal fire departments protect improved property and suppress structural fires. The DNR is directed to establish a procedure to work with these other fire control agencies to define geographic areas and boundaries of responsibility.

The zones identified as DNR responsibility are called "forest protection zones." Forest land which, by consent, is excluded from this zone shall not be assessed for forest fire protection by the DNR. These zones shall, after agreement with affected local fire protection agencies, be established by rule under the Administrative Procedure Act.

It is clearly stated that managers or owners of all nonfederal public forest lands (such as the Department of Wildlife) within a "forest protection zone" shall pay the forest protection and suppression assessments.

The declaration of a forest fire as a public nuisance is clarified so that the DNR's responsibility covers suppression of fire on or threatening forest land within a fire protection zone.

Votes on Final Passage:

Senate	47	0	
House	95	1	(House amended)
Senate	48	0	(Senate concurred)

Effective: June 9, 1988

Partial Veto Summary: Section 1 was vetoed. This section would have established a priority for forest fire suppression over removing individuals from the vicinity of a forest fire. (See VETO MESSAGE)

SSB 6399

C 51 L 88

By Committee on Transportation (originally sponsored by Senators Barr, Patterson, Anderson, Vognild, Rasmussen, Conner, Bauer, Zimmerman and Smith)

Exempting farmers, contractors, and loggers from certain special fuel reporting requirements.

Senate Committee on Transportation
House Committee on Transportation

Background: "Special fuel" includes combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, such as diesel, propane and natural gas. However, it does not include motor vehicle fuel such as gasoline and gasohol.

The Department of Licensing requires users of off-road fuel who hold a special fuel license to report this "off-road" usage on an annual basis.

The department is planning to update its rules to require all licensed special fuel users to record the total gallons of fuel entered into each piece of equipment used "off-road" by date and by equipment or vehicle identification number. This action causes concern to farmers and loggers, given the many pieces of machinery that they use on a daily basis. During harvest, a farmer may have a number of tractors and other pieces of machinery in the field requiring refueling throughout the day. Accurate measuring demands sophisticated and costly metering devices and many farmers and loggers do not have the equipment in their vehicles and on their pumps to measure the amounts of fuel that they use on a daily basis accurately. Daily itemization of fuel for each piece of machinery during 24-hour per day harvest periods represents a serious bookkeeping problem.

The department issued a memorandum in October recognizing the special fuel user's concerns, placing a temporary moratorium on the original order, stating that the department would be proposing administrative rules in the near future and would work with the Legislature to seek possible legislative changes.

Summary: Licensed special fuel users who use special fuel off-highway in farming, logging and construction operations will be exempt from keeping records of the gallons of fuel used off public highways of the state. They are exempt from keeping the following records: the number of gallons used for any purpose not subject to the special fuel tax; a breakdown of on-highway and off-highway special fuel usage on a daily basis; a complete record by month of the total gallons of special fuel used and the purposes for which it was used.

Every special fuel user filing a tax report shall certify and bear the burden of proof as to the number of gallons of special fuel used off-highway.

Votes on Final Passage:

Senate	45	0
House	91	0

Effective: June 9, 1988

SSB 6402

C 71 L 88

By Committee on Law & Justice (originally sponsored by Senators Pullen, Moore, Bluechel, Newhouse, Bauer, DeJarnatt and Hansen)

Revising venue requirements in civil actions in district court.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The law provides that a civil action against a defendant must be brought in the district where such person resides. This requirement may be difficult to meet, however, where defendants refuse to provide a current address, work in a district other than where they reside, or continuously move in order to avoid suit.

Summary: A defendant may be sued in the district where such person is actually physically employed if the residence of the defendant is not ascertained by reasonable efforts.

Votes on Final Passage:

Senate 48 0
House 97 0

Effective: June 9, 1988

SSB 6404

C 93 L 88

By Committee on Governmental Operations (originally sponsored by Senators Lee, Halsan, Bailey and Garrett; by request of Department of Community Development)

Authorizing loans for emergency public works projects.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: The Public Works Assistance Account loans are made once each year during the legislative session, with the approval of the Legislature. Because emergencies do not occur on any schedule, there is a need to set aside a portion of the account to loan to affected communities that can be used in case of an imminent threat or a crisis, for repairs to eligible public works.

Summary: A set-aside within the Public Works Assistance Account is allowed for emergencies. The amount appropriated from the account for emergency purposes cannot exceed 5 percent of the total amount

appropriated in any biennium. The loans should, to the extent that it is practicable and feasible, be competitively bid. The funds may be expended without waiting for legislative approval. The Public Works Board will submit an annual report to the Legislature, with a description of emergency loans made during the preceding fiscal year.

Votes on Final Passage:

Senate 43 0
House 95 0

Effective: June 9, 1988

SB 6408

C 204 L 88

By Senators Benitz, Bender, Newhouse, Vognild and Garrett

Revising provisions on the state energy code.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: The Washington State Energy Code prohibits local governments from enacting more efficient energy codes until January 1, 1989, unless the additional cost to the consumer is reimbursed with federal funds. The State Energy Office is to report on the cost-effectiveness of the code in January 1988.

Although the Bonneville Power Administration has provided the required reimbursement to local jurisdictions in the past, it has not budgeted the expected \$15-20 million to extend the reimbursement program regionally beyond 1988.

Summary: Adoption of more energy efficient codes by local governments without consumer reimbursement from BPA or the servicing utility acquiring the conservation, or both, is prohibited for an additional year. Jurisdictions that have adopted stricter codes by January 15, 1988, are exempt from the prohibition. The reporting date on cost-effectiveness of the state code also is delayed for one year.

Peer review of the thermal testing study conducted by the UW is required to assess the validity of the study results. The State Energy Office's director is to report on the cost-effectiveness of the state code based on the thermal testing study, a BPA conservation study, and other relevant data.

Votes on Final Passage:

Senate 37 11
House 92 6 (House amended)
Senate 45 0 (Senate concurred)

Effective: June 9, 1988

SB 6412

C 72 L 88

By Senators von Reichbauer and Moore

Providing for the publication of the maximum interest rate that may be charged on retail installment contracts for the purchase of motor vehicles.

Senate Committee on Financial Institutions & Insurance

House Committee on Financial Institutions & Insurance

Background: The State Treasurer is required to compute the maximum service charge allowed under a retail installment contract for personal property and submit this rate to the Code Reviser for publication in the Washington State Register for each calendar year.

During the 1987 session, a bill passed describing the computation of the service charge for a retail installment contract for the purchase of a motor vehicle. However, the publication of this rate is not provided for in the retail installment contract rate publication statute.

Summary: The State Treasurer is required to compute the maximum charge for a motor vehicle retail installment contract on a quarterly basis and submit this rate to the Code Reviser for publication in the Washington State Register.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: March 15, 1988

SB 6418

C 105 L 88

By Senators Halsan and Sellar

Requiring a proposal for a senior development program for local government managers.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: Management development programs for federal and state elected officials and senior administrators have been encouraged for the last three decades. An equal need has been recognized more recently for enhancing leadership skills of local officials and managers. Examples include the Program for

Senior Executives in State and Local Government in the Kennedy School at Harvard University, and a similar program in the Institute of Government at the University of Virginia.

Since participation in these eastern programs is prohibitively expensive for most local officials, it has been suggested that offerings of equal quality be developed here.

Summary: The Director of Community Development (DCD) is to develop a proposal for a senior development program which will meet the needs of local government officials and senior administrators. In this effort, the director is to consult the Higher Education Coordinating Board, the schools of public and business management in higher education institutions and the respective associations of local officials in this state.

Among the elements to be included in the proposal are development of a continuing series of in-state seminars, consideration of accessibility, cost, and potential funding sources, as well as options for attracting outstanding faculty and seminar leaders.

DCD is to make its first progress report on the program proposal to the Senate Committee Governmental Operations and the House Committee on Local Government by September 15, 1988, and present its final report — with legislative recommendations — by December 1, 1988.

Votes on Final Passage:

Senate	48	0
House	91	4

Effective: June 9, 1988

SSB 6419

C 235 L 88

By Committee on Governmental Operations
(originally sponsored by Senators Zimmerman and Rasmussen)

Revising provisions relating to contracts by port districts.

Senate Committee on Governmental Operations
House Committee on Local Government

Background: A port district may construct any project, regardless of cost, using its own employees. It may also engage private contractors to perform construction work. If it does, it must call for sealed public bids for projects estimated to cost more than \$40,000. For projects estimated to cost less than \$40,000, a port district may engage a contractor listed on a small works roster. At least five contractors from the roster

SSB 6419

must be invited to submit proposals. The law requires the port managing official to "give weight to the contractor submitting the lowest and best proposal".

Summary: A port district may call for public bids on any construction project, regardless of cost. The maximum estimated cost of district construction projects for which a small works roster procedure can be used is increased from \$40,000 to \$100,000.

Votes on Final Passage:

Senate	45	1	
House	90	7	(House amended)
Senate	47	0	(Senate concurred)

Effective: June 9, 1988

SSB 6433

C 173 L 88

By Committee on Financial Institutions & Insurance (originally sponsored by Senators Rinehart, Johnson, Moore, Deccio and von Reichbauer)

Requiring health care insurance coverage for the food supplements necessary for the treatment of phenylketonuria.

Senate Committee on Financial Institutions & Insurance

House Committee on Financial Institutions & Insurance

Background: Insurers are not required to provide coverage for the formulas required in the treatment of phenylketonuria (PKU). PKU is an inherited disorder found in newborn children which prevents them from metabolizing an essential amino acid. If untreated, PKU children suffer severe mental and physical difficulties.

By taking a vitamin-enriched formula available without a doctor's prescription, the effects of PKU can be eliminated.

Summary: A disability insurance contract, group disability insurance contract, group contract for health care services or any group agreement for health care services delivered, issued for delivery or renewed on or after September 1, 1988, must provide coverage for the formulas necessary for the treatment of PKU.

The insurance commissioner is given rule making authority to establish requirements and exceptions for the mandated health care coverage.

Health maintenance organizations (HMOs) must provide coverage for the formulas when deemed medically necessary by the medical director of the HMO.

The formulas must be covered at the usual rate subject to the contract provisions of the HMO regarding deductibles and co-payments.

Votes on Final Passage:

Senate	45	0	
House	96	0	

Effective: March 22, 1988

SSB 6435

C 182 L 88

By Committee on Economic Development & Labor (originally sponsored by Senators Lee and Owen)

Changing provisions relating to disclosure by contractors.

Senate Committee on Economic Development & Labor

House Committee on Commerce & Labor

Background: Any contractor building improvements on real property totaling \$1,000 or more is required to supply a disclosure statement designed to alert the customer to the hazards of construction lien claims. The penalty for failing to provide the disclosure is that the contractor may not bring or maintain any action in any state court to collect amounts due under the contract. An inadvertent omission of the disclosure to a sophisticated customer could result in the customer refusing to pay without any other justification. Thus, the penalty probably goes too far and creates a trap for the unwary that was not intended.

Summary: The penalty is amended to provide that a contractor who fails to provide the required disclosure may not make a claim based on the lien laws, but is not precluded from bringing an ordinary collection action.

The disclosure requirement is limited to residential construction. An incorrect reference to Chapter 39.08 RCW is corrected to refer to Chapter 39.04 RCW, dealing with public works. Small commercial contracts between \$1,000 and \$60,000 are brought within the scope of the bill, not just residential contracts.

Votes on Final Passage:

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

Effective: June 9, 1988

SSB 6437

C 208 L 88

By Committee on Ways & Means (originally sponsored by Senators Deccio, Kreidler, Sellar, Fleming and Johnson)

Changing provisions relating to the investment allowance for nursing homes.

Senate Committee on Health Care & Corrections and
Committee on Ways & Means
House Committee on Ways & Means/Appropriations

Background: In 1980, the Legislature enacted the Nursing Home Auditing and Cost Reimbursement Act authorizing the state to purchase nursing home care for Medicaid patients through a system of cost reimbursement. A system developed whereby lessees, as of the date of the act, were to be reimbursed on property costs and return on their investment based on the net book value of assets in the facility. If they purchased those assets, a re-evaluation was done (permitted only once every 10 years) and reimbursement increased to reflect the increased value due to the new purchase price.

A subgroup of lessees became known as "grandfathered lessees". Their leases existed on January 1, 1980, and could not be renegotiated. Many of them faced a potential shortfall in reimbursement which would not cover their lease costs. Therefore, they were grandfathered into the system by continuing to reimburse them in full for lease costs instead of basing the reimbursement on property and investment costs.

In 1986, the reimbursement system was changed to bring the law into conformance with federal legislation which prohibited any upward re-evaluation of property due to change of ownership.

Under this system, some of the "grandfathered lessees" who choose to purchase their facility face a potentially substantial decrease in the reimbursement rate and subsequent difficulty in financing the purchase.

New federal legislation brought about yet another change which now allows a limited upward re-evaluation on property when ownership changes.

Summary: Nursing home lessees whose leases existed prior to January 1, 1980, and who subsequently purchase the leased assets may continue to be reimbursed for property and return on their investment costs at

the rate which they currently receive as lessees when the purchase date meets certain criteria. These are: after the lessor's bankruptcy or default on the facility's loan or mortgage, within two years of the lease expiration or renewal date, after the actual cost of the lease has become greater than the reimbursement rate, and within one year of any purchase option in existence on January 1, 1988.

Votes on Final Passage:

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

Effective: June 9, 1988

SSB 6438**FULL VETO**

By Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Newhouse, Bluechel, Owen, Nelson, Pullen, Madsen, Williams and Talmadge)

Permitting banded rate tariffs for natural gas and electric services.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: Natural gas and electric utilities face increasing competition for industrial and agricultural customers. Although the Utilities and Transportation Commission has approved utility requests for lower rates where necessary to prevent fuel-switching between customers, utilities seek more flexibility to better respond to such factors as fluctuating oil prices.

Summary: The Utilities and Transportation Commission is authorized to allow rate flexibility for nonresidential service provided by energy utilities. After the UTC approves a band or range of rates, with a minimum and maximum rate, the company may change rates within the band according to UTC procedure. Banded rates are allowed only where utilities are subject to effective competition from energy suppliers not regulated by the UTC.

Votes on Final Passage:

Senate	47	0
House	98	0

FULL VETO: (See VETO MESSAGE)

SB 6440

C 112 L 88

By Senators Kreidler, Newhouse, Gaspard, Owen, Hayner, Vognild and Bauer

Providing for the clean-up of hazardous wastes.

Senate Committee on Environment & Natural Resources

House Committee on Environmental Affairs

Background: The federal Superfund hazardous waste cleanup program began in 1980 with the passage of the Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA). It was a \$1.6 billion program to fund the cleanup of hazardous waste sites throughout the nation. The program established a procedure for identifying, ranking, investigating and cleaning up hazardous waste sites. The federal money was to be used only when a person responsible for cleaning up the site was unwilling or unable to take action. Once the federal government cleaned up, it sought recovery of its costs from those who were responsible for the contamination. In 1986, Superfund was reauthorized by Congress with an \$8.5 billion program to last over five years. It is designed to address the worst sites in the nation and leaves to the states other less toxic sites within their boundaries.

When federal Superfund money is used to clean up a site, the state is required to provide 10 percent for sites owned by a private party and 50 percent for sites owned by another public entity (landfills, etc.). The state Department of Ecology has identified 158 sites with known hazardous waste contamination. About 25 are listed as eligible for federal Superfund monies. The rest must be addressed by state government (Department of Ecology). The agency has estimated it will need more than \$28 million in the next two years to address the state sites and match Superfund money. Local governments have estimated several hundred million dollars are needed to meet state hazardous and solid waste requirements and clean up contaminated landfills.

The department also administers state and federal water quality laws and has issued more than 1000 permits which include restrictions on what large industrial and municipal entities can discharge into state waters. The Puget Sound Water Quality Authority and other private and government entities contend that the department's water quality monitoring, inspection and permit renewal programs are inadequate. The authority has developed a recommended program to increase monitoring and provide better protection for Puget Sound and other areas throughout

the state. The authority also has recommended that the department pay for its water quality permitting and monitoring program by fees on industries or municipalities that are issued permits.

In addition to hazardous waste cleanup and water quality monitoring responsibilities, the department is responsible for regulating the day-to-day production, transportation, storage, treatment and disposal of hazardous waste. This program requires that the agency issue permits to facilities that manage hazardous waste and inspect and regulate entities producing hazardous waste. The program is funded by a fee, authorized in 1983, which generates about \$1.4 million annually. The department contends that to run an adequate program it needs more than \$4 million yearly.

The Legislature passed a Superfund bill in a special session, October 1987. The measure made most provisions of the bill effective immediately, but also placed the law on the ballot as the alternative to a toxic waste initiative (Initiative 97), if it received adequate signatures. The initiative supporters subsequently obtained the required signatures.

There was some question concerning the constitutionality of the Legislature approving an alternative to an initiative that hadn't been submitted to it yet. Some contend that the only way an alternative can be placed on the ballot is if it is approved after the initiative is submitted to the Legislature.

Summary: Hazardous Waste

The Department of Ecology (DOE) is granted authority to investigate hazardous waste sites. The agency is to develop criteria to rank sites and to provide biennial reports to the Legislature.

Persons who may be found liable—strictly, jointly and severally—include those who own or operate the site and those who owned or operated it at the time hazardous substances were released. Potentially liable are transporters who arrange for disposal at the site or take waste to unapproved facilities. Certain generators of hazardous waste are also potentially liable. Manufacturers of hazardous substances who are responsible for their written instructions can also be found liable.

Exemptions from liability are provided for persons growing trees, nursery plants or farm products and who apply pesticides without negligence and according to law. Homeowners applying hazardous substances on their property and their contractors are exempted, along with persons properly collecting used motor oil for recycling. Exemptions are provided also for owners who had no knowledge of contamination when they acquired the site.

Petroleum products are defined as hazardous substances, but the cleanup and enforcement provisions

apply only to certain petroleum. The department is given authority to investigate, respond to, clean up and recover costs for all petroleum contamination. The petroleum section expires July 1, 1991, unless legislation is enacted before that date to provide a cleanup program with specific funding for petroleum contamination from storage tanks.

Cleanups must be conducted to protect health and the environment and must meet all applicable laws. Where there are none, standards for cleanup can be developed by the department and deviations from applicable laws can be allowed.

The department may reach settlement agreements with liable parties. Those unable to reach a settlement with the department may obtain an expedited court review on their final cleanup offer.

The department may provide money as part of a settlement agreement if it will expedite or enhance cleanup operations or achieve greater economic fairness. The agency must provide a covenant-not-to-sue for certain cleanups.

Ecology may issue covenants-not-to-sue when case-by-case standards are met and when a deviation from applicable laws is allowed. In both cases, public interest criteria must be met prior to covenant approval.

Cleanup contractors working for the department, or for other public or private entities, may be indemnified. The agency is given authority to obtain information relevant to the site and may subpoena witnesses and documents. Procedures are specified for department investigations and cleanups.

The department may issue cleanup orders or seek a court order requiring cleanup. Wilful violations of cleanup orders may result in treble damages. Civil penalties of up to \$10,000 per day are allowed to be assessed by the court.

Citizens may file a lawsuit against the department or a potentially responsible party to enforce compliance with the cleanup law or an approved settlement agreement. Citizens' suits against potentially responsible parties are not allowed if the department is diligently pursuing cleanup.

When the state takes remedial action at a site, it will have a lien on the property which is subject to pre-existing liens.

Notices regarding contaminated property are to be placed in the county property records. Sellers who know that the property has been contaminated during the prior 20 years must provide a statement to the purchaser disclosing the contamination.

Programs are included for pesticide and household waste disposal and a business assistance program. The

department is directed to arrange for collection of hazardous substances confiscated by law enforcement agencies when conducting drug-related activities.

An eight-tenths of 1 percent tax on the wholesale value of a hazardous substance is to be levied on the first possession or sale of the substance. Taxable substances include hazardous substances designated by the federal government, those classified by the department's director, petroleum products and pesticides. The substances are to be taxed once and successive possession of previously taxed substances is exempt.

Forty-seven percent of the revenues are to go into the state toxics control account and be used for state hazardous and solid waste management programs. The account is to be used also for the hazardous waste cleanup program, assistance for local government solid and hazardous waste planning and other purposes.

Fifty-three percent of the tax is to be placed in the local toxics control account and used for grants and loans to local governments. In descending order of priority, the money is to be used for cleanups of sites on the hazard ranking list, hazardous waste plans and programs, solid waste plans and programs, solid waste facilities.

One percent of the monies in the accounts is to be used for public participation grants. Criteria for grant assistance is detailed.

A toxics control reserve account is created to fund secondary cleanups at sites where covenants-not-to-sue have been issued and the first cleanup failed. The account will receive \$3 million annually until it reaches \$20 million and is replenished annually to that level.

Exemptions from specific environmental laws and permits are allowed for cleanups conducted in accordance with the act.

The crime of toxic endangerment is established for persons handling hazardous substances in violation of state law, punishable as a class B felony. The person must know that such handling places others in imminent danger of death or serious bodily injury.

Water Quality

Beginning in fiscal year 1989, the department is to recover administrative expenses for its water quality discharge permit system. The total amount collected annually cannot exceed \$3.6 million. Administrative expenses are defined.

The department is to establish an initial fee schedule to begin on July 1, 1988. The fee for permits authorizing discharges of 800 gallons or less daily cannot exceed \$150.

Consideration of fee impacts on small dischargers is required and the agency must insure that indirect dischargers do not pay twice. The agency cannot assess fees for permits issued by local government entities.

The department is to submit a report to the appropriate standing committees of the Legislature no later than January 1, 1989, that must include a fee schedule proposed for fiscal year 1990, and beyond. Biennial reports to the Legislature are required.

Monitoring requirements must be for determining permit compliance and insuring that all known, available and reasonable treatment is attained. Also requirements must relate to the effects a discharger will have on water, animal life or sediment. Monitoring must be structured so that if it is conducted within the terms of the permit, after an appropriate time, the permittee may request a reduced monitoring schedule. If the department determines that the monitoring shows no adverse effect, a reduced schedule will apply. If monitoring identifies measurable adverse effect or potentially measurable adverse effect, more frequent and/or comprehensive monitoring is to apply.

The act will be an alternative to Initiative 97. March 1, 1989, is the expiration date for the current state law if either the act or Initiative 97 are approved by the voters. If neither is approved, the current law will expire on the date of certification of election results.

Appropriation: \$30,116,000 to the Department of Ecology; \$234,000 to the Department of Agriculture; \$384,000 to the Department of Community Development; \$106,000 to the Department of Revenue; \$710,000 to the Department of Social and Health Services.

Votes on Final Passage:

Senate	42	6	
House	73	25	(House amended)
Senate	40	5	(Senate concurred)

Effective: March 18, 1988 (Section 69)
June 9, 1988
March 1, 1989 (Sections 1-64)

SSB 6446

C 175 L 88

By Committee on Environment & Natural Resources (originally sponsored by Senators Rinehart, Bluechel, Kreidler, Garrett, Gaspard and Lee)

Encouraging state purchasing of recovered materials.

Senate Committee on Environment & Natural Resources

House Committee on Environmental Affairs

Background: Many local governments have started, or have plans for, collection programs for recyclable commodities such as glass, newspapers, tin, and aluminum. Private recyclers have traditionally provided this service and have achieved a statewide recycling average of 15 percent of the total waste stream.

Increased collection by itself will not increase recycling rates. The other essential steps in recycling are processing, re-manufacturing, and final sale of the new product. In its interim report, the Joint Select Committee for Preferred Solid Waste Management found that consumers can significantly stimulate markets for recyclable commodities if they develop a preference for buying products containing recycled materials.

Because state and local governments are large consumers of goods, the committee recommended that the state implement a purchasing system that considers the recycled content of a product in its purchasing decisions. Increased state purchases of products containing recycled commodities will stimulate markets and act to compensate for the increased supply of recyclable commodities caused by the local government collection programs.

Summary: The recycled content of a product is established as one of several criteria used to award contracts administered by the Office of State Procurement within the Department of General Administration.

Bidders of state purchasing contracts are required to provide a written statement of the percentage of recycled product content and may be stated in 15 percent increments.

The department is directed to develop a directory of businesses that supply products containing recycled materials and to encourage purchase of such products by local governments and other public entities utilizing the state's purchasing system.

Refuse haulers are required to distribute educational materials pertaining to recycling. For rate-making purposes, refuse haulers may request that the cost of distributing such materials be considered as a normal operating expense.

Votes on Final Passage:

Senate	46	0	
House	91	1	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 1, 1988

SB 6447
FULL VETO

By Senators Owen, Warnke, Barr, Moore, Nelson and Smith

Strengthening the custodial interference law.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The requirements of the crime of custodial interference in the second degree are met when a relative of a person takes, entices, retains, detains or conceals that person with the intent to deny access to such person by a parent, guardian, institution, agency or other person who has a lawful right to physical custody.

Summary: Custodial interference in the second degree includes situations in which a parent, guardian, institution, agency or other person has court conferred visitation rights with another person but is intentionally denied access to the person for a period of four hours or more through the actions of that person's relative who takes, entices, retains, detains, or conceals the person.

Votes on Final Passage:

Senate	49	0	
House	97	1	(House amended)
Senate	46	0	(Senate concurred)

FULL VETO: (See VETO MESSAGE)

SSB 6452
C 172 L 88

By Committee on Education (originally sponsored by Senators Rinehart, Bailey and Lee)

Providing for the study of American sign language to meet foreign language graduation requirements.

Senate Committee on Education
House Committee on Education

Background: American Sign Language (ASL) is now generally recognized as a separate and complete language with its own unique grammar and syntax. ASL is the third most used language in the United States other than English. Allowing sign language to meet foreign language graduation and admissions requirements can contribute to a greater understanding of the social and cultural aspects of deafness and address communication barriers which exist between hearing and deaf people.

Summary: For purposes of meeting any state or local school district foreign language requirement for high school graduation and for purposes of meeting any foreign language requirement for undergraduate admission to the state's four-year college and universities, sign language shall be considered a foreign language.

The State Board of Education will consult with the National Association of the Deaf, "Sign Instructors Guidance Network" (S.I.G.N.), and the Washington State Association of the Deaf in establishing rules pertaining to the qualifications of instructors of sign language.

Votes on Final Passage:

Senate	46	1	
House	91	4	(House amended)
Senate	45	1	(Senate concurred)

Effective: June 9, 1988

SSB 6462
C 157 L 88

By Committee on Law & Justice (originally sponsored by Senator Nelson; by request of Sentencing Guidelines Commission)

Making technical corrections on procedures for sentencing adult felons.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Under the Sentencing Reform Act, a criminal defendant's prior criminal history is used to determine the standard range for the current offense. Included in criminal history are juvenile convictions which are felonies. For class B and C juvenile offenses, the criminal defendant must have been at least 23 at the time the current offense was committed for prior offenses to count as criminal history.

The chair of the Board of Prison Terms and Paroles is an ex officio member of the Sentencing Guidelines Commission until July 1, 1988. After that date the chair of the Clemency and Pardons Board is an ex officio member.

The Legislature last year created the crime of homicide by abuse with penalty provisions the same as murder in the first degree. For purposes of determining an offender's "offender score", if the present conviction is for murder in the first degree, prior convictions are given an enhanced score.

In determining the offender score for a current felony traffic offense, each prior adult or juvenile vehicular homicide conviction adds two points. Prior vehicular assault convictions count one point.

Offenders with sentences of total confinement of one year or less may have alternative sentences imposed including partial confinement and community supervision.

A person convicted of three or more serious violent offenses is sentenced using the sentencing range for the most serious offense and the offender's criminal history is used in the offender score. The sentencing range for the other offenses are determined using an offender score of zero.

Table 3 of the Sentencing Reform Act contains a partial summary of the method of determining an offender's offender score.

Summary: Prior convictions in juvenile court for serious traffic offenses will be included in the defendant's criminal history if the defendant was age 15 or older and less than age 23 when the offense was committed. Prior adult and juvenile vehicular assault convictions count two points, the same as vehicular homicide, for present convictions of felony traffic offenses.

The chair of the Indeterminate Sentencing Review Board is an ex officio member of the Sentencing Guidelines Commission until July 1, 1992, when the chair of the Clemency and Pardons Board takes over.

A present conviction of homicide by abuse is treated in the same manner as a present conviction of murder in the first degree.

An alternative to total confinement may include community supervision only for offenders convicted of nonviolent offenses. Converting of total confinement time to community service time for nonviolent offenders is limited to a maximum conversion limit of 240 hours or 30 days.

If a person has been convicted of three or more serious violent offenses, the sentence range is determined for the offense with the highest seriousness level. The offender's prior convictions and other current convictions that are not serious violent offenses are used in the offender score. Table 3 of the Sentencing Reform Act, which partially summarizes the offender scoring rules, is repealed.

The act applies to crimes committed after July 1, 1988.

Votes on Final Passage:

Senate 48 0
House 98 0

Effective: June 9, 1988

SSB 6466

C 269 L 88

By Committee on Ways & Means (originally sponsored by Senator Vognild)

Revising retirement benefit calculation for certain county employees.

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

Background: Under the Public Employees' Retirement System—Plan I (PERS I), unless a political subdivision employer has a clear and consistent definition of what dollar value is attached to sick leave (i.e., first in, first out; or last in, first out), the Department of Retirement Systems (DRS) will value the sick leave cashed out at retirement on the basis of first in, first out. If the employer, in an inconsistent manner, values it differently, the employer is required to pay the full present value in retirement benefit of the excess compensation.

The employee, however, has the right to appeal the decision of the Director of DRS with regard to this valuation. This appeal must be made within 60 days of the decision.

Summary: An employee of a class A county public works department who retired on February 1, 1985, may have an additional 60 days after the effective date of the act to appeal the final decision regarding value of sick leave of the Director of the Department of Retirement Systems that was rendered on April 17, 1986.

Votes on Final Passage:

Senate 48 0
House 97 0 (House amended)
Senate 46 0 (Senate concurred)

Effective: June 9, 1988

SSB 6470

C 247 L 88

By Committee on Health Care & Corrections (originally sponsored by Senators Deccio, Niemi, Kreidler and Johnson; by request of Department of Licensing)

Providing a voluntary substance abuse program for health care licensees.

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

Background: Substance abuse is a growing problem in the health care professions. Many health professionals routinely have access to prescription drugs as a part of their practice and a high potential for abuse exists. In addition, health professionals have stressful jobs which make them susceptible to drug and alcohol abuse problems.

The health professional disciplinary authorities and others are concerned about the public safety and personal health risks resulting from impaired health professionals.

Only the Medical Disciplinary Board has statutory authority to refer physicians to treatment programs. The other disciplinary authorities are interested also in having authority to refer the impaired health professionals they regulate to treatment programs.

Summary: The disciplinary authorities for the health professions regulated by the Uniform Disciplinary Act and the Board of Pharmacy may refer license holders to a substance abuse monitoring program if they suspect unprofessional conduct is the result of substance abuse.

The cost of substance abuse treatment is the responsibility of the license holder. A license holder's substance abuse treatment can be paid for by employers, third party insurers or others.

Referrals by the disciplinary authority shall be voluntary and may include probation from practice. The disciplinary authority may take disciplinary action against a license holder who refuses to consent to substance abuse treatment. License holders who self refer to approved programs shall not have their participation made known to the disciplinary authority unless that license holder is unable to practice with safety and skill. Participation in substance abuse treatment does not prohibit the disciplinary authority from taking disciplinary action for other unprofessional conduct.

Substance abuse treatment must be provided by an "approved program" authorized by the Department of Social and Health Services. Adjunct services can be provided by other programs approved by the disciplinary authority. The disciplinary authority may approve the use of out-of-state programs.

License holders may reenter a program if they have previously failed to comply with this section.

The pre-treatment and treatment records of substance abuse treatment programs are confidential and not subject to subpoena or admissible as evidence.

Immunity from civil liability is provided for individuals, programs, professional associations and others for referring license holders to treatment or for implementing the substance abuse program.

Employers retain the right to make employment-related decisions about license holders participating in substance abuse treatment.

Appropriation: \$39,000 from the health professions account to the Department of Licensing; up to \$5,000 from the general fund to the Board of Pharmacy

Votes on Final Passage:

Senate	49	0	
House	93	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: June 9, 1988

SSB 6474

C 205 L 88

By Committee on Economic Development & Labor
(originally sponsored by Senator McCaslin)

Requiring continuing education for real estate brokers and salespeople.

Senate Committee on Economic Development & Labor

House Committee on Commerce & Labor

Background: After a real estate agent or salesperson becomes licensed, only 30 additional hours of education are required as a condition of obtaining a second license. These 30 hours are required only during the first year of licensure. The Washington Association of Realtors is interested in maintaining a well-informed membership through continuing education of its members.

Summary: Real estate brokers and salespersons are required to provide proof to the Director of Licensing of 30 hours of continuing education every two years. The real estate courses taken must be those approved by the director. Up to 15 hours in excess of the required 30 could be carried over to the next two year period, but only if the excess credit hours were taken during the second year of the prior two year period.

The Director of Licensing may require any broker or salesperson who violates any aspect of real estate practice to successfully complete a course of study on that aspect of real estate practice violated. This penalty may be imposed in lieu of or in addition to other penalties provided under this chapter.

An effective date of January 1, 1991, is provided for the continuing education provision. A sunset date of January 1, 1991, is provided for the current requirement that licensees perform 30 hours of continuing education for the first relicensure. It is clarified that the director may impose any available sanctions in

combination or independently of other sanctions. Inactive license holders do not need to comply with the 30-hour continuing education requirements of this act. It is clarified that the director may appoint or deputize assistants to perform duties in regard to disciplinary actions.

Votes on Final Passage:

Senate 41 7
House 97 0 (House amended)
Senate 44 1 (Senate concurred)

Effective: June 9, 1988

SB 6480

PARTIAL VETO

C 265 L 88

By Senators DeJarnatt, Metcalf, Owen and Pullen

Establishing the crime of obstructing the taking of fish or wildlife.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources

Background: There is no law which specifically prohibits interference with licensed hunters and fishermen who hunt and fish during a legally established season. A person who interferes with legal hunting and fishing activities cannot be stopped by the Department of Wildlife without legal authority.

Summary: It is a crime to obstruct the taking of fish or wildlife if a person attempts to harass, drive or disturb fish or wildlife with the intent of disrupting the lawful pursuit of hunting or fishing. Attempting to harass, interfere with or intimidate an individual engaged in the lawful taking of fish or wildlife or lawful predator control is prohibited.

Charges may not be made against a person when interfering with a person engaged in hunting outside legally established hunting seasons. A person may not be charged when preventing the injury or killing of a protected wildlife species or when preventing unauthorized trespass on private property. A person may not be charged when defending oneself or another person from bodily harm or property damage by a person attempting to prevent hunting in a legally established hunting season. Violation of the act is a gross misdemeanor under the State Wildlife Code.

A person who is damaged by any prohibited act may recover treble civil damages upon proof of a violation of the provisions of the act and by showing a preponderance of evidence. The state can obtain an

injunction in civil court against persons who violate the act. Reasonable attorney fees may be awarded by a court.

The violations sections of the wildlife code are modified to include the provisions relating to hunting and fishing harassment. The section of the law relating to harassment is modified to include fish and wildlife harassment.

Votes on Final Passage:

Senate 44 3
House 98 0 (House amended)
Senate 40 4 (Senate concurred)

Effective: July 1, 1988

Partial Veto Summary: The section adding wildlife to the general harassment law in 9A.46 RCW is vetoed. (See VETO MESSAGE)

SSB 6486

C 263 L 88

By Committee on Environment & Natural Resources (originally sponsored by Senators Owen, Metcalf and Warnke)

Creating the Washington state firearm range committee.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources

Background: There is increasing interest in creating a facility for archery, target practice, skeet, trap and shotgun sports, dog training, black powder shooting, and related historical heritage activities. Existing facilities in the state are not adequate to meet the growing interests in these programs. The pressures of urban growth have gradually reduced the number of sites available for this type of recreational activity.

Summary: The Legislature recognizes the interest in archery, law enforcement training, target practice, skeet, trap and shotgun sports, dog training, and black powder shooting sports. Facilities are inadequate to meet the growing demand. The pressures of urban growth have limited the number of sites available for these types of events. The Legislature finds that the acquisition and development of an accessible state facility of international quality will promote competition and tourism and provide additional recreational opportunities.

The Washington State Firearm Range Committee is created consisting of eight members appointed by the governor. It includes one representative each from a

local government law enforcement agency; from a statewide law enforcement agency; from a statewide group that emphasizes hunting and hunting safety; from a statewide group that emphasizes target practice and target practice safety; from a skeet, trap, shotgun or dog training group; from a group involved with black powder shooting and related historical heritage events; from an archery and archery safety group; and from the general public. There are four nonvoting ex officio members, one from each caucus of the Senate and House of Representatives, appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The members of the committee shall select one of their own members as chair. Members shall not receive compensation but shall be reimbursed for travel expenses.

The committee's powers and duties are to assess local, state, federal and tribal law enforcement needs; assess sporting needs; survey the existing public and private firearm facilities to assess excess demand; review similar facilities in other states and countries; develop a proposed public and private use and cost ratio and a program of phased development; cooperate with the Department of Natural Resources and other state agencies to identify state lands that may be used for a facility; investigate state and private liability issues and prepare proposals on insurance needs; analyze the appropriate state role in facility planning, development and use; and investigate and prepare recommendations on private and public funding sources, including private donations and grants, and city, county and state funding. The committee will study the possibility of establishing a surcharge on hunting licenses and tags.

The committee shall assess needs of all areas in the state and select a central site and possible satellite sites. The Wildlife Department, the Department of Natural Resources, the Department of Trade and Economic Development, the Parks and Recreation Commission, and the House and Senate shall provide support staff for the committee. The committee may apply for and use private and public grant moneys. The committee will prepare a report and submit it to the Legislature by January 1, 1990. The committee will terminate February 1, 1990.

A \$3 increase is made in the concealed weapon permit. The funds from the increase will be deposited in a firearm range account of the wildlife fund to be used, after legislative appropriation, for land, development, construction and operation of firearm, sporting training and practice facilities.

Votes on Final Passage:

Senate	25	20	
House	84	12	(House amended)
Senate	30	14	(Senate concurred)

Effective: June 9, 1988

SB 6494

C 12 L 88

By Senators Patterson, Conner, Metcalf, Hansen, Owen, DeJarnatt, Barr, Bender and Sellar

Revising provisions for motor vehicle license fees.

Senate Committee on Transportation
House Committee on Transportation

Background: The county auditors are the Department of Licensing's official agents for the registration and renewal of all vehicle licenses. They receive \$1 for each transaction. If the vehicle registration is purchased or renewed at the subagent's office, \$2 for the subagent fee and \$1 for the application fee is collected and transmitted to the county auditor.

The last fee increase received by the county auditors for conducting the auto licensing service was in 1975 when it was raised from fifty cents to \$1.

County officials have indicated that the present \$1 fee is not sufficient to cover the operating costs of the motor vehicle licensing program.

Summary: The application fee for a motor vehicle licensing transaction is increased from \$1 to \$2 per application in addition to any other fees required by law.

Votes on Final Passage:

Senate	25	20
House	88	10

Effective: June 9, 1988

SSB 6498

C 156 L 88

By Committee on Law & Justice (originally sponsored by Senators Nelson, Newhouse, Talmadge, Halsan and Hayner)

Reviewing and establishing standards for appointment of counsel for indigent persons.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: The system in Washington for providing legal representation to people who could not otherwise

afford attorneys varies from county to county. In some counties, both trial and appellate counsel are appointed by the court from a list of attorneys who have indicated their willingness to represent indigent defendants. These attorneys are paid on a per case or per hour basis. Some counties enter into contracts with private law offices or nonprofit organizations to handle all of the indigent trial defense needs. The attorneys are paid a set amount for each case depending on whether it is a misdemeanor or a felony. In Divisions Two and Three, indigent appellate defense work is performed by either private attorneys who have communicated their availability for such work or by trial counsel. These attorneys are paid a set amount by the Supreme Court for each case. In Division One, all indigent appellate defense work is performed by a nonprofit organization that has contracted with the Supreme Court. That organization is paid a set amount for each case and aggravated murder is the only felony case for which there is greater compensation.

Summary: A committee is created to study the system for providing representation to people who otherwise could not afford it. The committee consists of one member appointed by the governor, one by the Office of Financial Management, one by the Department of Community Development, one by the Chief Justice of the State Supreme Court, two members appointed by the State Bar Association, at least one of whom performs indigent criminal defense representation, one appointed by the Speaker of the House of Representatives and one by the President of the Senate. A full-time staff position will administer the committee's work and prepare a report to the Legislature.

The committee will report to the Judiciary Committee of the House of Representatives, the Law and Justice Committee of the Senate and the governor by January 1, 1989. The committee will summarize the methods of providing indigent representation, recommend standards regarding the appropriate level of experience, training, supervision and caseload for attorneys, establish eligibility guidelines, recommend alternative ways of providing and financing trial and appellate services and recommend appropriate levels of compensation and support staff.

The committee will recommend standards for determining indigency.

Votes on Final Passage:

Senate	45	0
House	95	0

Effective: June 9, 1988

SSB 6512

C 253 L 88

By Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Halsan, Bailey and Rinehart)

Exempting land enrolled in the federal conservation reserve program from state property and excise taxes.

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

Background: With the inception of the federal conservation reserve program (CRP), specific questions have been raised over the department's policy regarding CRP taxation in four areas: open space, business and occupation, sales and use, and the previously repealed inheritance tax.

The Department of Revenue has confirmed that under its policy the current use classification of open space lands and the value of property for tax purposes is not impacted by participation in the CRP; payments received from the federal government under the CRP are not subject to the state business and occupation tax; expenditures for "vegetative cover" (such as seed, fertilizer and spray) for use on land enrolled in the CRP are exempt from the state sales and use tax; and the special use (agricultural use) valuation will continue on lands enrolled in the CRP eliminating retroactive impact from the repealed inheritance tax laws.

Concern was raised that while these areas are addressed in policy, they are not addressed in statute.

Summary: The sales of feed, seed, seedlings, fertilizer and spray materials to participants in the federal conservation reserve program, or its successor, administered by the United States Department of Agriculture, are exempt from the state sales and use tax.

The state business and occupation tax shall not apply to payments received for lands enrolled in the federal conservation reserve program or its successor.

The definition of farm and agricultural land under the open space program shall include land enrolled in the federal conservation reserve program or its successor.

Votes on Final Passage:

Senate	46	0
House	79	15

Effective: June 9, 1988

2SSB 6513

C 46 L 88

By Committee on Ways & Means (originally sponsored by Senators Barr, Hansen and Metcalf; by request of Department of Ecology)

Providing for water supply emergencies.

Senate Committee on Agriculture and Committee on Ways & Means

House Committee on Agriculture & Rural Development

Background: The winter snow pack in the mountains and water storage in the reservoirs are relied upon to supply the high demand for water over the summer months. In 1986, the snow water content and water carryover in reservoirs in eastern Washington were far below normal. In 1987, the continued drought caused severe water shortages in both eastern and western Washington. The most recent statistics show that the current storage carryover and rainfall are below normal. If the amount of precipitation does not increase dramatically in the near future there will be extensive restrictions on water use this summer, especially affecting irrigated agriculture.

In anticipation of a water-short year in 1977, the Legislature passed a temporary emergency water withdrawal and facilities bill. This bill gave the Department of Ecology authority to take extraordinary action to withdraw and distribute water in the most economical and fair manner for any beneficial use and to improve or replace water supply facilities to benefit irrigated lands. The 1977 legislation was funded by authorizing the sale of \$18 million in general obligation bonds. The proceeds from these bonds were placed in an emergency projects water account for the department's use.

In 1987, the Legislature passed a similar version of the 1977 legislation. Up to \$4 million from the emergency water projects account was appropriated for grants and loans to again fund the construction of facilities to alleviate the drought conditions on irrigated lands. Water rights were allowed to be transferred temporarily to respond to the emergency conditions.

Summary: The Department of Ecology is given emergency powers to authorize the withdrawal of public waters on a temporary basis and the construction of facilities to alleviate possible emergency water supply conditions to assure the survival of irrigated crops and the state's fisheries.

The department may issue emergency permits to withdraw water for beneficial use involving a previously established activity which has water rights not exercisable because of the drought. The permits must not allow the withdrawal of water which reduces flows below the amount to maintain fish requirements.

The processing of permits from other state agencies for emergency projects is to be expedited, and the public bidding requirements are waived.

The department shall be provided with short-term easements over specific state or public land. The temporary powers granted to the department have no effect on existing water rights and shall not establish permanent rights to water.

The department may make loans, grants, or a combination of them to alleviate the emergency supply conditions. Grants may not exceed 20 percent for any single project. If an activity is forecasted to have 50 percent or less of normal seasonal water supplies, the grant portion for a project may not exceed 40 percent of the total cost. No single entity may receive more than 10 percent of the total funds available for drought relief.

The funds from the emergency water projects account are not to be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. The total expenditures for nonagricultural drought relief purposes may not exceed 10 percent of the funds available for drought relief.

The funds available for drought relief purposes are those funds in the emergency water project revolving account. The limitations on the use of the funds are to be applied on grants and loans made for emergency drought activities and are not to restrict or affect the appropriations for the operation costs associated with the drought related activities and other specified water efficiency and water resources studies.

A water right may be changed temporarily to allow transfer or lease of water between willing parties for the purpose of responding to the water supply conditions.

The department is authorized four staff positions until April 30, 1989, for the purpose of administering the drought relief program and developing a statewide drought contingency plan for future drought conditions.

The emergency powers granted the department are to continue through 1989.

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate	40	0	(Senate concurred)

Effective: March 15, 1988

SB 6516

C 26 L 88

By Senators Patterson, Kreidler, Zimmerman, Benitz and Conner

Funding bridge replacement on rural arterials.

Senate Committee on Transportation
House Committee on Transportation

Background: The three classes of roads in rural areas are major collectors which are eligible for both federal aid secondary and Rural Arterial Program (RAP) monies, minor collectors which are eligible only for RAP, and access roads which are not eligible for either RAP or federal aid.

However, federal aid for bridge replacements is permitted for any of the three road classes. To receive federal aid for bridge replacements, the county must put up about a 20 percent match.

RAP monies are restricted by statute to use for construction and improvement projects on major and minor collectors in rural areas (and for administrative expenses of the County Road Administration Board). Administrative rules have permitted RAP distributions to be for bridge replacement projects on both major and minor collectors, but not on access roads.

Some counties are not able to match available federal bridge replacement funds for bridges on access roads.

Summary: The County Road Administration Board is authorized to allow Rural Arterial Program distributions to be used for the construction of replacement bridges funded by the federal bridge replacement program on all county roads in rural areas, including access roads.

Votes on Final Passage:

Senate 44 0
House 92 0

Effective: June 9, 1988

SB 6519

C 221 L 88

By Senators Anderson, Smitherman, Deccio, Rasmussen, Hayner, Conner, Zimmerman, Craswell, Gaspard, Wojahn, Stratton, Johnson, Kiskaddon, von Reichbauer and Garrett

Changing provisions relating to the method of determining the depreciation base of certain nursing homes.

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

Background: The federal government, effective July 18, 1984, changed the method used to determine the depreciation base for nursing homes. A nursing home which changed ownership at this time was negatively affected.

Summary: Nursing home contractors who can prove they purchased a nursing home prior to August 1, 1984 and submitted necessary documentation to the Department of Social and Health Services prior to January 1, 1988, will have their depreciation base set not to exceed the fair market value of the assets at the date of purchase. The Department of General Administration will determine the fair market value through an appraisal process.

Votes on Final Passage:

Senate 45 3
House 92 2 (House amended)
Senate 34 6 (Senate concurred)

Effective: June 9, 1988

SB 6523

C 246 L 88

By Senators Kiskaddon, Kreidler, Williams and Bauer

Permitting naturopaths to continue manual manipulation.

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

Background: Naturopathy is a licensed health care profession with a scope of practice which includes the diagnosis, prevention and treatment of disorders by stimulations or support of the natural processes of the human body and includes manual manipulation which is defined as manipulation of a part or the whole of the body by hand or by mechanical means.

In 1983, the Legislature placed the 1919 Drugless Healing (naturopathy) Licensure Act under the Sunset Act for review, and in 1987 the Legislature reauthorized the practice of naturopathy. However, manual manipulation (mechanotherapy) was prohibited after June 30, 1988, subject to a study of whether it should be continued or modified.

Summary: The termination date of June 30, 1988, for the practice of manual manipulation within the naturopathic scope of practice is repealed.

Naturopaths may not use the term "chiropractic" to describe any service they perform as a part of their practice. The State Health Coordinating Council shall study and make recommendations on the practice of manual manipulation by naturopaths including a comparison of educational standards with other health professions. A report shall be presented to the Legislature by January 1, 1989.

Votes on Final Passage:

Senate	38	11	
House	92	1	(House amended)
Senate	33	4	(Senate concurred)

Effective: June 9, 1988

SSB 6530

C 198 L 88

By Committee on Law & Justice (originally sponsored by Senators Pullen, Halsan, Nelson and Garrett; by request of Department of Labor and Industries)

Revising procedures for explosives licensing.

Senate Committee on Law & Justice
House Committee on Commerce & Labor

Background: Under the Washington State Explosives Act, the manufacture and storage of explosives must be located at certain distances from inhabited buildings, railroads, highways, and public utility transmission systems. These quantity and distance tables are established by statute and are required to conform with regulations promulgated by the Federal Bureau of Alcohol, Tobacco, and Firearms. At present, not all of the tables conform to the federal regulations. The law allows the Director of the Department of Labor and Industries to waive state safety requirements regarding distance tables on a case-by-case basis when there is compliance with the federal safety standards. It is suggested that the director be allowed to conform the state safety standards by rule for the entire industry rather than solely on a case-by-case basis.

The explosives statute does not provide specific direction to the department as to which license applications should be granted or rejected. Language is necessary to ensure that correct and appropriate criminal records are provided to the department prior to issuance of any requested license.

The law requires the department to request legislation whenever changes in the fee schedule for the

explosives licensing program become necessary. It is suggested that the statute be amended to allow the director some additional flexibility with regard to licensing fees.

Summary: The quantity and distance tables that regulate the manufacture and storage of explosives are adopted by the Department of Labor and Industries by rule. The department must adopt the quantity and distance tables promulgated by the Federal Bureau of Alcohol, Tobacco and Firearms unless the department determines the tables to be inappropriate.

An explosives license applicant must submit to a fingerprinting and criminal history check, as must corporations' management officials when they are responsible for explosives operations. The director is required to deny or revoke an explosives license under various enumerated conditions, including violent offenses, perjury, bomb threats, and certain drug and alcohol-related offenses.

A person who manufactures, purchases, sells, uses, or stores any explosive without having a validly issued license is guilty of a gross misdemeanor. The person then must immediately surrender all such explosives to the department or law enforcement.

Fees for explosives licenses are adjusted. The director may adjust the amounts of license fees, not to exceed the statutory maximum, to reflect the administrative costs of the department.

Votes on Final Passage:

Senate	42	0	
House	98	0	(House amended)
Senate	40	0	(Senate concurred)

Effective: June 9, 1988

SSB 6534

C 48 L 88

By Committee on Education (originally sponsored by Senator Talmadge)

Authorizing school employees to perform catheterization.

Senate Committee on Education
House Committee on Education

Background: The Education for All Handicapped Children Act of 1975 assures that all handicapped children have available to them a free, appropriate public education which emphasizes special education and related services designed to meet their unique needs.

The U.S. Supreme Court, in Irving Independent School District v. Tatro, 104 S.Ct. 3371 (1984), held that a school district is obligated to provide any supportive service to a handicapped child if that service is necessary to make access to public education meaningful. The specific issue involved in the case was a medical practice known as "clean intermittent catheterization" for a severely handicapped student.

A catheter is a surgical instrument for emptying the bladder. Some handicapped children need assistance with catheterization procedures. Without such assistance, these students would not have access to education programs.

Summary: School districts and private schools may provide for clean, intermittent bladder catheterization of students or assisted self-catheterization in accordance with rules adopted by the State Board of Nursing.

Rules adopted, following consultation with staff of the Superintendent of Public Instruction and the State Board of Practical Nursing, must include provisions for a written request from the student's parent or guardian; a written request from a physician that catheterization be provided during school hours; written instructions from a registered nurse which designate the employee who may provide catheterization and the nature and extent of supervision required; and the nature and extent of training to be provided by a physician or nurse required of employees providing catheterization. Licensed practical nurses employed by the school are exempt from the training requirement.

A school district or private school providing for catheterization of students must act in substantial compliance with State Board of Nursing rules and the instructions issued by a registered nurse under those rules. A written policy developed in accordance with collective bargaining laws must be adopted by the district or school to implement catheterization procedures.

School districts are not required to provide intermittent bladder catheterization of students except as may be necessary under federal and state law regarding handicapped education.

School districts and private schools, and their employees, directors, or chief administrators are not liable in any criminal action or for civil damages if catheterization is performed in substantial compliance with board rules and district or private school policies.

A school or district would not be liable if a decision were made to discontinue providing catheterization, if the school provides actual notice in advance of the

date of discontinuance. A public school district must provide for catheterization to the extent required by federal or state law.

Existing exemptions from regulation by the Board of Medical Examiners are amended to replace an obsolete term and to authorize catheterization by school employees.

Votes on Final Passage:

Senate	49	0
House	95	0

Effective: June 9, 1988

SSB 6536

C 27 L 88

By Committee on Economic Development & Labor (originally sponsored by Senators Anderson, Lee and Rasmussen; by request of Employment Security Department)

Limiting employer liability for unemployment benefits paid as a result of a natural disaster.

Senate Committee on Economic Development & Labor

House Committee on Commerce & Labor

Background: Employer unemployment taxes are determined in part by an experience report maintained by the Department of Employment Security. This report is based upon benefits paid to unemployed employees. When such benefits are paid, the employer's account is "charged."

There is no mechanism by which an employer's account is not charged when employees are paid benefits and are unemployed due to a catastrophe that closes the employment site. For example, a plant closed for several months due to a fire will cause that employer's experience report to reflect large unemployment benefits paid, and therefore that employer's tax rate will rise significantly.

Summary: Benefits paid as a result of a catastrophic closing or severe curtailment of an employer's facility — such as fire, flood, etc. — are not charged against that employer's experience report if that employer petitions for such relief, and if the Commissioner of Employment Security approves the request.

Votes on Final Passage:

Senate	47	0
House	94	0

Effective: June 9, 1988

SB 6537

C 28 L 88

By Senators West, Smitherman, Lee and Anderson;
by request of Employment Security Department

Limiting applicability of administrative rulings relating to individual unemployment claims to other legal actions.

Senate Committee on Economic Development & Labor

House Committee on Commerce & Labor

Background: Administrative hearings allow for prompt determinations of an individual's eligibility for certain state benefits or programs. There has been a recent trend, however, for unemployment compensation hearings to be contested at length with formal legal representation by all the parties. These administrative hearings are being contested in such a manner because the parties are concerned that the final order will be determinative in a subsequent legal action. Legal actions which are potentially affected by an administrative order include suits brought for unjust dismissal, sex discrimination, race discrimination, and age discrimination.

It has been suggested by some legal commentators that administrative hearings will become lengthy full-blown legal proceedings unless either the courts or the Legislature prohibit the hearings from being binding in other actions.

Summary: Any determination made by the Department of Employment Security, an administrative law judge, or any other agent for the department for the purpose of determining whether an individual is eligible for unemployment compensation or some other program of the department, is not binding nor admissible as evidence in a separate action that does not pertain to the department's programs.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: June 9, 1988

SSB 6548

C 84 L 88

By Committee on Economic Development & Labor (originally sponsored by Senators Lee, Warnke, Smitherman, Rasmussen and Fleming; by request of Employment Security Department)

Authorizing fees for administration of the federal targeted jobs tax credit program.

Senate Committee on Economic Development & Labor

House Committee on Commerce & Labor

Background: The targeted jobs tax credit program (TJTC) provides federal tax credits for employers hiring individuals from target groups who have historical difficulty in obtaining and holding jobs. The credit can amount to \$2,400 per worker in the first year of employment. The Department of Employment Security reports that since 1980, approximately 78,000 Washingtonians have been assisted by this program, and businesses have received about \$250 million in federal tax credits.

The department has the responsibility to issue federal tax credit certification to employers. The TJTC program also requires the department to provide technical assistance, training, monitoring and other administrative functions to support the certification process.

After a brief program lapse in 1985, the federal government reinstated the program in 1986, but did not include administrative funds which had been previously provided. The department has been covering these administrative costs out of other operating funds.

Summary: Legislative findings assert that the state has a vital interest in the economic benefits from tax credit savings being reinvested in the economy; the tax credit also serves as an incentive to hire otherwise hard-to-place workers; the Departments of Corrections, Social and Health Services, Veterans Affairs, and the Superintendent of Public Instruction utilize targeted jobs tax credit (TJTC) as an incentive for employers to hire hard-to-place workers.

A processing fee is provided to support administrative costs incurred by the Department of Employment Security related to the certification of federal tax credit for hiring workers under the TJTC.

This appropriation provides a funding base for the department to operate the program for the current biennium.

Appropriation: \$1,706,089 from a special account within the unemployment compensation administration fund

Votes on Final Passage:

Senate	49	0
House	95	0

Effective: March 16, 1988

SB 6556

C 40 L 88

By Senators Wojahn, Kiskaddon, Stratton and Johnson

Specifying that fees for birth certificates suitable for display be used for the children's trust fund.

Senate Committee on Children & Family Services
House Committee on Human Services

Background: In 1987, the State Registrar was permitted to issue "heirloom" birth certificates at the price of \$25. The money collected from these certificates was to be passed on to the Washington State Council for the Prevention of Child Abuse and Neglect to be used for the purposes of the children's trust fund. This fund is intended to finance child abuse and neglect prevention programs.

A section of the statute on vital statistics requires \$3 of the fee imposed for the issuance of each certified copy of a record to be held by the State Treasurer in the death investigations account.

Summary: "Heirloom" birth certificates are exempt from those certified copies subject to the \$3 charge intended to fund the death investigations account.

Votes on Final Passage:

Senate 49 0
House 98 0

Effective: June 9, 1988

SB 6563

C 73 L 88

By Senators Pullen, Madsen and McCaslin

Adopting the uniform federal lien registration act.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Federal law provides for the option of filing federal environmental liens in either federal district court or the county where the property is located. Several states have adopted the Uniform Federal Lien Registration Act in an effort to standardize the place of filing for federal liens and thereby minimize confusion and the costs associated with a lien search.

Summary: Internal Revenue lien statutes are replaced by the Uniform Federal Lien Registration Act. Notices of liens, certificates, and other notices affecting federal tax liens or other federal liens are covered by this act.

Notices of federal liens, certificates and notices affecting liens upon real property must be recorded in the county where the property is located.

Notices of federal liens, certificates and notices affecting liens upon personal property whether tangible or intangible must be recorded as follows: a) liens against corporations or partnerships whose principal executive office is in Washington must be filed with the Department of Licensing; b) in all other cases liens must be filed in the county where the person against whose interest the lien applies resides at the time of recording of the notice of lien.

Certification of notices of federal liens, certificates and notices affecting liens may be made by the United States Secretary of the Treasury or the secretary's delegate, or by an official or entity of the United States responsible for recording or certifying notice of any other lien.

Fees and filing procedures are established.

This act shall be known and cited as the Uniform Federal Lien Registration Act.

Votes on Final Passage:

Senate 45 0
House 90 8

Effective: July 1, 1988

SSB 6569

C 270 L 88

By Committee on Economic Development & Labor (originally sponsored by Senators West, Warnke and Anderson)

Providing consumers with information on construction liens.

Senate Committee on Economic Development & Labor
House Committee on Commerce & Labor

Background: Individuals and families who build or buy new houses or who have substantial remodeling done to their homes are often unaware of the hazards of construction liens which can cause them to pay for part or all of the job twice. Several techniques for protection are available but require a basic understanding of construction liens and how to use the protective techniques.

Summary: Real property lenders which include banks, savings and loan associations, savings banks, credit unions, mortgage companies, must provide information to all residential mortgage loan applicants and contractors must provide information to their customers

which will provide the applicant or customer with basic knowledge of construction lien laws and certain available safeguards. The protection methods of obtaining lien release documents, using joint payee checks, lender supervision, and requiring the contractor to disclose potential lien claimants, must be covered by the material.

Responsibility for composing the educational brochure is delegated to the Department of Labor and Industries. The state and real property lenders are insulated from suit based on the provisions of the bill.

Votes on Final Passage:

Senate	45	0	
House	93	0	(House amended)
Senate	41	0	(Senate concurred)

Effective: July 1, 1989

SB 6578

C 50 L 88

By Senators Lee, Vognild and Warnke

Permitting certain sales of nonliquor food products by licensed wine and beer wholesalers.

Senate Committee on Economic Development & Labor

House Committee on Commerce & Labor

Background: Prior to 1987, licensed liquor manufacturers and wholesalers were not permitted to extend credit to licensed liquor retailers. This limitation on extension of credit pertained to the sale of liquor and nonliquor products. During 1987, legislation was enacted that permitted the Liquor Control Board to establish, by rule, procedures for the sale of nonliquor products by licensed manufacturers and wholesalers in accordance with normal commercial practices. However, the limitation on the use of normal commercial practices was maintained for bottled water and carbonated beverages.

Summary: Licensed liquor wholesalers are permitted to sell nonliquor food products including bottled water and carbonated beverages on 30-day credit terms to retailers, provided complete and separate accounting records are maintained. Existing provisions pertaining to normal commercial practices are repealed.

Votes on Final Passage:

Senate	47	2
House	93	0

Effective: March 15, 1988

SB 6600

C 87 L 88

By Senators Pullen, Talmadge, Rinehart and Saling

Revising provisions relating to child abuse reporting by public employees.

Senate Committee on Law & Justice
House Committee on Human Services

Background: By law, some public employees have a duty to report abuse or neglect of children, adult dependents, or developmentally disabled persons. The duty to report arises when there is reasonable cause to suspect abuse or neglect. When a legal action is brought against the public employee for failure to report abuse or neglect the public employee must personally bear the cost of legal defense.

Summary: Public employers shall bear the expense of legal defense for employees who act in good faith and without gross negligence in their duty to report abuse or neglect of children or adult dependents or developmentally disabled persons.

Votes on Final Passage:

Senate	47	0
House	98	0

Effective: June 9, 1988

SSB 6603

C 106 L 88

By Committee on Environment & Natural Resources (originally sponsored by Senators Barr and Stratton)

Revising air quality opacity limitations.

Senate Committee on Environment & Natural Resources

House Committee on Environmental Affairs

Background: There are two common types of standards used to measure air pollution which consist of particle matter from industrial smokestacks. The opacity limit is determined by the obscurity noted when looking through a clear medium. If the opacity limit is 20 percent, then when looking through a clear medium the smoke cannot obscure more than 20 percent of it. There is also a "particulate" standard which is a ceiling on the weight of the particles contained in each cubic foot of air emitted from a smoke stack. According to Department of Ecology regulations, these two standards are distinct and when its inspectors

issue fines for violations of either, they view them separately. There are situations where the opacity standard will be violated, but not the particulate standard and vice versa.

Under air quality law, there are usually three tiers of regulations — federal, state and the local air pollution control agencies. All of these must be consistent. There is a detailed waiver procedure in state law for exclusion from certain regulations.

Summary: Any industry or air pollution control authority can choose to have violations of opacity limits correlate with violations of particulate limits. The industry is to submit appropriate data that it has quantified prior to being considered for correlating opacity/particulate standards. A reasonable fee may be charged the industry requesting an alternative opacity standard.

Votes on Final Passage:

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

Effective: June 9, 1988

SB 6608

C 218 L 88

By Senators Hayner, Hansen, Sellar, DeJarnatt, Bailey, Halsan, Madsen, Barr and Benitz

Increasing penalties for theft of livestock.

Senate Committee on Agriculture
House Committee on Agriculture & Rural Development

Background: A person who wilfully takes, withholds or otherwise appropriates livestock with intent to deprive or defraud the lawful owner is guilty of theft of livestock. Theft in the first degree is theft with intent to sell or exchange the livestock. Theft in the second degree is theft without intent to sell the livestock, but for the offender's own use.

Theft of livestock in the first degree is a class B felony and, under the statutory sentencing grid, is in seriousness level III. Theft in the second degree is a class C felony and is in seriousness level II. Based on an offender's score under the sentencing grid, seriousness level III requires a sentence from one to 68 months, and seriousness level II requires a sentence from 0 to 57 months.

A court may also impose a fine up to \$20,000 for a class B felony and up to \$10,000 for a class C felony.

Summary: The penalty for the crime of theft of livestock in the first degree is increased from seriousness level III to level IV under the sentencing grid set forth by law. The punishment for the crime of theft of livestock in the second degree is increased from seriousness level II to level III under the sentencing grid. If an offender was armed with a deadly weapon while committing the crime of theft of livestock in the first or second degrees, an additional 12 months will be added to the sentence established under the sentencing grid.

Votes on Final Passage:

Senate	46	0
House	89	7

Effective: June 9, 1988

SSB 6631

C 259 L 88

By Committee on Financial Institutions & Insurance (originally sponsored by Senators McCaslin and Smitherman)

Requiring that employers offer an alternative to a dental care assistance plan that limits providers.

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

Background: Certain dental care plans include coverage for dental services only if the insured receives services from specified providers. There is no requirement that an employer provide an alternative dental plan which allows employees to choose the dental care provider.

Summary: Public or private employers with more than 25 employees under coverage that offer a dental care assistance plan which limits the provider of dental care to those specified in the plan must make an alternative plan available to the employees. The alternative plan must allow employees to obtain dental care services from a provider of their choice.

The portion of the premium paid by the employer for the limiting plan must be comparable to, but no greater than, the portion paid by the employer for the other plan.

These requirements apply to agreements for dental care benefits entered into or renewed after January 1, 1989.

Votes on Final Passage:

Senate 46 0
House 85 9

Effective: June 9, 1988

SB 6638

C 242 L 88

By Senators Niemi, Johnson, Deccio, Wojahn, Smith and Kreidler

Providing conditional scholarships for nursing students.

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

Background: Recent data indicate that the health care industry is facing a significant shortage of licensed nursing staff. The lack of nursing staff has resulted in critical understaffing in certain geographical locations around the state. These conditions have raised concerns about the possible compromise in the quality of care and the cost of health care since health care facilities must fill vacancies by recruiting higher cost temporary nurses from staffing agencies.

Summary: A conditional scholarship program is established for students in nursing programs leading to licensure as a licensed practical nurse or in a program leading to an associate, baccalaureate or higher degree in nursing. The program will be administered by the Higher Education Coordinating Board in consultation with the State Board of Community College Education.

The powers and duties of the board are outlined with respect to implementing and administering the scholarship program. These powers and duties include selecting nurse students to receive scholarships, adopting the scholarship rules and guidelines, and program publicity.

The board will establish a planning committee for the purpose of screening and selection of scholarship recipients.

The obligations for receipt of the scholarship and repayments are outlined for those unable to meet the specified obligations.

No conditional scholarships shall be granted after June 30, 1994.

Votes on Final Passage:

Senate 48 0
House 94 0 (House amended)
Senate 41 0 (Senate concurred)

Effective: June 9, 1988

SB 6641

C 260 L 88

By Senators Craswell, Vognild, Bailey, Owen, Smitherman and Metcalf

Providing for armed forces shipboard population adjustment.

Senate Committee on Governmental Operations
House Committee on State Government

Background: The state Office of Financial Management annually determines the populations of cities and towns within the state as the basis for the allocation of state funds. Under certain circumstances, initial counts may be revised in quarterly periods following the initial count.

It is suggested that resident naval personnel and their dependents have not been accurately counted in the city of Bremerton and will not be accurately counted in the city of Everett when the naval port is completed there.

Summary: Resident naval shipboard, on-base and military dependent populations in the cities of Bremerton and Everett shall be determined quarterly by the Office of Financial Management. Counts on the first day of the quarterly periods shall be used to revise the total population for the following quarter. Revisions in population figures will then be used to make quarterly adjustments in the allocation of state funds to the cities.

Votes on Final Passage:

Senate 47 0
House 98 0 (House amended)
Senate 42 0 (Senate concurred)

Effective: June 9, 1988

SB 6647

C 214 L 88

By Senators Metcalf, Rasmussen, Conner, Barr, Owen, Nelson, Zimmerman, von Reichbauer, Vognild, Anderson, DeJarnatt, McMullen, Craswell, Kreidler and Bauer

Requiring a plan to increase salmon production one hundred percent by the year 2000.

Senate Committee on Environment & Natural Resources
House Committee on Natural Resources

SB 6647

Background: The production of more salmon in the state would benefit all fishing groups, the tourist industry, and the associated maritime industries.

The feasibility of greatly increasing salmon production is not fully known and should be investigated by the Department of Fisheries and the Legislature.

Summary: The Department of Fisheries is required to provide a specific plan to the Legislature to increase salmon production in order to achieve a goal of doubling the 1987 salmon catch level by the year 2000. The plan is due by March 15, 1990, for the Columbia River and January 1, 1992, for Puget Sound and the Washington coast and must include a number of specific elements that are detailed in the legislation. Recommendations of funding mechanisms and analysis of economic benefits are to be provided.

The capital and operating costs associated with achieving the goal of doubling the salmon harvest must be included in the department's plan.

Votes on Final Passage:

Senate	46	0	
House	92	0	(House amended)
Senate	41	0	(Senate concurred)

Effective: June 9, 1988

SB 6667

C 23 L 88

By Senator Nelson; by request of Department of Licensing

Revising special fuel user's report filing frequency.

Senate Committee on Transportation
House Committee on Transportation

Background: Users of special fuel are required by law to file periodic fuel tax reports either monthly, quarterly, semi-annually, or yearly, depending on the user's yearly tax liabilities.

In order to conform to the Consensus Agenda of the National Governor's Association, the provisions of the frequency of fuel tax reporting must be modified. The proposed legislation will require special fuel users to file reports quarterly or yearly, depending on their yearly tax liabilities.

Summary: Special fuel users whose estimated yearly tax liability is \$250 or less shall file a report yearly, and special fuel users whose estimated yearly tax liability is more than \$250 shall file reports quarterly, effective January 1, 1989.

Votes on Final Passage:

Senate	46	0
House	98	0

Effective: January 1, 1989

SB 6668

C 122 L 88

By Senator Nelson; by request of Department of Licensing

Revising special fuel bonding requirements.

Senate Committee on Transportation
House Committee on Transportation

Background: Special fuels under Washington law include diesel, propane and natural gas.

The Washington State Special Fuel Tax Act requires all special fuel users based out of the state to furnish a fuel tax bond. The bond can be a corporate surety bond payable to the state conditioned upon compliance with requirements for payment of all taxes, or a deposit with the State Treasurer of cash or bonds or other legal tender with a market value not less than that required by the Department of Licensing. Many states do not have bonding requirements for interstate carriers. When bonds are required in other states, other options, such as certificates of deposit (CDs) are offered, providing the user with interest income from the money that is being held as a bond.

A special committee of the National Governor's Association (NGA) has recommended administrative uniformity of the fuel tax laws among states wherever possible. The U.S. Department of Transportation has indicated that if the states cannot comply with the NGA recommendations there will be federal intervention.

The proposed legislation is one of the recommendations of the Washington State Motor Carrier Advisory Committee, an advisory group composed of state agency officials and an equal number of members of the motor carrier industry. The advisory committee was established as part of the NGA's Consensus Agenda to create uniformity in fuel tax reporting in the individual states.

Summary: Existing provisions are modified to allow the Department of Licensing to prescribe by rule other methods to protect the state's interest, in lieu of requiring a special fuel user to obtain a surety bond from a bonding company. The department is authorized to establish rules for requiring bonds when the interests of the state are at stake.

The department may require a special fuel user to post a bond if the user fails to file timely reports or remit taxes when due or when an investigation indicates severe problems.

Votes on Final Passage:

Senate	44	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House	96	0	(House receded)

Effective: June 9, 1988

SSB 6670

C 180 L 88

By Committee on Economic Development & Labor (originally sponsored by Senators Lee, Owen, Warnke and Smith)

Revising provisions on public works projects involving certain trench excavations.

Senate Committee on Economic Development & Labor

House Committee on Commerce & Labor

Background: Public works projects which involve trench excavations of greater than four feet are required by Washington Industrial Safety and Health Act (WISHA) and Occupational Safety and Health Act (OSHA) standards to provide for shoring, sloping or otherwise providing lateral support to avoid cave-ins. However, the contracts for such projects do not have to include detailed provisions to meet the WISHA requirements nor are such safety systems included in the cost estimates as separate items.

Summary: On any public works project which includes a trench excavation exceeding four feet in depth, contracts are required to include provisions for adequate safety systems for the excavation, meeting the standards of the Washington Industrial Safety and Health Act. Such safety systems must be listed as a separate item on cost estimates.

Language is added to clarify that bidders on trench excavation contracts must include the cost of safety systems in the bid documents. Any attempt to include the cost of safety systems as incidental to other contract items is prohibited.

Votes on Final Passage:

Senate	49	0	
House	95	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: June 9, 1988

SB 6671

C 286 L 88

By Senator Lee

Specifying funds that may be retained for administration of the housing trust fund.

Senate Committee on Economic Development & Labor

House Committee on Housing

Background: The Housing Trust Fund, a competitive grant and loan program to be administered by the Department of Community Development, was established in 1986. Administrative costs are limited to 5 percent of annual revenues to the fund.

In 1987, two funding sources were adopted. The capital budget contained a \$2 million appropriation, and beginning January 1, 1988, interest on real estate broker trust accounts is aggregated statewide and designated for the Housing Trust Fund. The capital budget appropriation is limited to expenditures for capital construction and arguably may not be used for administrative operating costs.

Other funding sources need to be tapped because these are inadequate to meet the need.

Until such time as the fund builds up to a significant level, the 5 percent limitation will not allow even one additional staff position.

The housing trust fund is funded by interest from real estate broker's deposits of nominal or short-term client funds into pooled interest-bearing escrow accounts. A nominal or short-term deposit is defined as a deposit which would not produce positive net income if placed into a separate account. This can be difficult to discern due to uncertainty of factors such as length of deposit while awaiting closing, interest rates available, bank processing and start-up fees.

Summary: The Department of Community Development is authorized to retain from housing trust fund revenues up to \$37,500 for the fiscal year ending June 30, 1988, and \$75,000 for the fiscal year ending June 30, 1989. The 5 percent limitation applies after that date.

A penalty is imposed for delinquent payments of the real estate transfer tax. There is no penalty currently in law for late payment of the real estate transfer tax unless the Department of Revenue finds that there was an intent to evade payment of the tax. The penalty created for payments not received by the county treasurer within 30 days of the date due is 5 percent of the amount of the tax. If the tax is not received within 60 days of the date due, then the penalty is 10 percent of the amount of the tax. If the tax is not received within

SB 6671

90 days of the date due, then the penalty is 20 percent of the amount of the tax. These penalties for late payment of the real estate transfer tax which are collected are to be deposited into the housing trust fund. The penalties may only be collected from the seller and may not become a lien on the property.

Technical amendments are made to how the interest on real estate brokers pooled interest-bearing trust account is paid into the housing trust fund. A nominal deposit of client funds is defined as a deposit of not more than \$5,000. The interest on the pooled interest-bearing trust account payable to the housing trust fund is the net interest minus service fees or charges imposed by financial institutions on demand deposit accounts. Parties may agree to deposit funds into the pooled interest-bearing trust account even when it is not required.

Votes on Final Passage:

Senate	43	1	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	48	0	(Senate concurred)

Effective: March 24, 1988

SB 6675

C 43 L 88

By Senators Kiskaddon, Stratton, Bailey and Wojahn;
by request of Governor

Modifying provisions relating to the family independence program.

Senate Committee on Children & Family Services
House Committee on Human Services

Background: The Family Independence Program (FIP) is a welfare reform proposal which passed the Legislature in concept in 1987. Jointly administered by the Department of Social and Health Services and the Employment Security Department, the program combines incentive payments, child care services and employment and training components to assist Aid to Families with Dependent Children (AFDC) recipients in achieving self-sufficiency.

Under terms of the 1987 legislation, the governor was authorized to seek congressional waivers of certain federal laws, which vary from the FIP administration plan. Those waivers were granted by Congress in 1987, and the governor and FIP executive committee members are now negotiating the federal-state contracts.

The Children & Family Services Committee has reviewed all of the agency reports required in the 1987

act, except the evaluation plan, which is being completed under the supervision of the Legislative Budget Committee.

The statute requires final approval by the 1988 Legislature so that the governor is authorized to sign the federal-state contracts.

Summary: The Family Independence Program (FIP) is approved and the governor is authorized to sign and complete all necessary agreements with the federal government provided that they are consistent with the 1987 act. The intent section of the family independence statute is modified to include the goal of reducing caseloads on a long-term basis. Intent language is added to encourage the FIP executive committee to contract with community-based organizations. Evaluation plan requirements are modified to no longer require evaluation of the impact of FIP on general labor market opportunities. The evaluation plan must be approved by the Legislative Budget Committee.

The section related to AFDC recipient and former recipient members of the FIP advisory committee, the executive committee and the family opportunity councils is expanded to allow reimbursement for child care to enable those persons to attend meetings.

The department is authorized to provide grants to family opportunity councils to support their activities and to assist in the recruitment of volunteer mentors.

The expiration date of the chapter is extended from 1989 to 1993.

Votes on Final Passage:

Senate	48	0	
House	95	3	(House amended)
Senate			(Senate refused to concur)
House	93	3	(House receded in part)
Senate	47	0	(Senate concurred)

Effective: March 15, 1988

SSB 6703

C 99 L 88

By Committee on Energy & Utilities (originally sponsored by Senators Benitz and Madsen)

Changing provisions relating to underground facilities.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: Utilities have primary responsibility for marking underground utilities. Excavators are responsible for determining the placement of underground facilities before digging and are required to use reasonable care to avoid damaging underground facilities.

Where damage occurs as a result of failure to comply with statutory duties imposed on utilities and excavators, the party that failed to perform its duty is liable for damages. Common law remedies for personal injury or for property are allowed.

Summary: Where available, owners of underground facilities are required to subscribe to a one-number locator service. Excavators who comply with the law are not liable for damages to fiber optics facilities other than the cost to repair the facility.

Votes on Final Passage:

Senate	33	12	
House	95	0	(House amended)
Senate	36	5	(Senate concurred)

Effective: June 9, 1988

SB 6705

C 190 L 88

By Senators Craswell, Rasmussen, Nelson and Johnson

Protecting children in the home.

Senate Committee on Law & Justice
House Committee on Human Services

Background: After a fact-finding hearing has been held and a child has been determined to be dependent within the meaning of the law, the court must order one of the following dispositions: the child remain in the home and a program be provided to alleviate the immediate danger to the child, mitigate any damage the child has suffered and assist the parents; or the child be removed from the home and placed in the custody of a relative, the Department of Social and Health Services or a licensed child placing agency. To order the latter option, the court must find that reasonable efforts have been made to prevent the need to remove the child from the home and there is no parent or guardian available to adequately care for the child. In addition, the court must find that the child is unwilling to reside in the custody of the child's parent, guardian or legal custodian and that the parent, guardian or legal custodian is not willing to take custody of the child. A manifest danger must also exist and the court must find that the child will suffer serious abuse or neglect if the child is not removed from the home.

The court may issue a temporary restraining order prohibiting the person accused of committing sexual or physical abuse from disturbing the peace of the alleged victim, entering the family home of the alleged victim

except as specifically permitted by the court or having any contact with the victim except as specifically permitted by the court.

Summary: In situations involving alleged sexual or physical abuse of a child, it is the intent of the Legislature that removal of the alleged offender from the home occur at the earliest possible point of intervention rather than removal of the child.

To order a child removed from home the court must find that a restraining order would not protect the child from danger.

The court must issue a restraining order prohibiting a person from entering the family home if it finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

A police officer may arrest a person without a warrant when he has probable cause to believe that an order has been issued and the person has violated it even though the violation did not occur in the officer's presence.

Violation of such a restraining order is a misdemeanor and every written order must include the following language: "Violation of this order is a criminal offense under chapter 26.44 RCW and will subject a violator to arrest."

Votes on Final Passage:

Senate	44	0	
House	98	0	(House amended)
Senate	42	0	(Senate concurred)

Effective: June 9, 1988

SB 6720

C 250 L 88

By Senators Metcalf and Madsen

Providing for the management of waste tires.

Senate Committee on Environment & Natural Resources
House Committee on Environmental Affairs

Background: The Department of Ecology estimates that 4 million waste tires are generated each year. Approximately 1.5 million tires are retreaded or reprocessed into a useable oil. The other 2.5 million tires are disposed into landfills or onto privately owned tire piles. Approximately two-thirds of the state's tires are in Thurston, Pierce, and Spokane Counties.

The 1985 Legislature passed a law to promote tire recycling. It prohibited the unauthorized disposal of tires and assessed a twelve hundredths of 1 percent (0.12%) tax on the sale of new replacement tires to fund tire collection and recycling of waste tires.

Summary: The Department of Ecology shall identify communities with the most severe waste tire problems and use the tire recycling account to provide priority funding for those communities. A waste tire advisory committee is established to develop a report addressing the problem of waste tires within the state.

Persons storing or transporting waste tires are required to obtain a license from the department. Violations are a gross misdemeanor. Businesses are prohibited from contracting with persons not having a valid license.

Votes on Final Passage:

Senate	47	0	
House	94	0	(House amended)
Senate	40	0	(Senate concurred)

Effective: June 9, 1988

2SSB 6724

C 47 L 88

By Committee on Ways & Means (originally sponsored by Senators Barr and Hansen)

Revising provisions on water resources.

Senate Committee on Agriculture and Committee on Ways & Means
House Committee on Natural Resources

Background: The Department of Ecology has the exclusive authority to establish minimum flows or levels for any stream or lake of the state. Under the specific minimum water flow legislation, the department may establish minimum flows for the purposes of protecting wildlife resources, or recreational or aesthetic values of the public waters whenever it appears to be in the public interest. Any permit to make beneficial use of water is conditioned to protect the minimum flows or levels which have been adopted and are in effect at the time the permit is approved.

Under the Water Resources Act of 1971, the department is directed to develop and implement a comprehensive state water resources program to provide a process for making decisions on future water resource allocation and use. Base flows are to be retained in perennial rivers and streams and any diversions from the rivers which conflict with the base

flows are allowed only where it is clear that overriding considerations of the public interest will be served.

Summary: A study will be conducted on the water resource policies of the state. The Department of Ecology will contract with an independent fact-finding service. The fact-finder will consult with, and may facilitate discussions between, all interested parties on changing and clarifying the state's current water resource policy. The parties will include state agencies, the governor's office, and interest groups. The fact-finder must report its findings to the joint select committee by June 30, 1988.

A joint select committee will be created. The committee shall consist of 12 members of the Legislature, equally divided from each political caucus and representing the interests of all water users. The joint select committee will consider the fact-finder's report, and address and recommend to the Legislature the fundamentals of water resource policy for the state. The committee must consider the present and future demands on the state's water resources and the need to prioritize the use of these resources. The committee must submit a report of its findings and recommendations to the 1989 Legislature.

The fact finder and the joint select committee must consider the reports and recommendations of other state and federal studies pertaining to allocation, augmentation, conservation, and efficient use of water resources, including the department's instream resources and water allocation review. By considering these studies, the fact-finder and joint select committee are not to duplicate the work already completed in such studies.

The joint select committee will continue to June 30, 1991, to monitor the implementation of the committee's recommendations and other legislation affecting water resources. The committee may also address all issues affecting the distribution of the state's surface and ground waters.

The department may continue implementing instream flow and water resource programs under the current guidelines and criteria; however, these guidelines and criteria may not be altered or amended until July, 1989, or the Legislature has taken express action on the recommendations of the joint select committee. No new reservations of water or the preferred alternative identified in the instream resources and water allocation environmental impact statement may be adopted until July, 1989, or the Legislature takes action on the recommendations.

For any new applications for surface water appropriations, the department cannot issue permanent permits and may only issue temporary permits which do

not reduce stream flows below levels necessary for preservation of fish, wildlife and other environmental and navigational values. These temporary permits are conditioned so the appropriation may be revised based on legislation resulting from the committee's recommendations. These prohibitions and conditions are not to affect existing water rights, the implementation of drought legislation under RCW 43.83B.300 through 43.83B.344 or the right to transfer water rights under RCW 90.03.380 and 90.03.390.

This water policy study is not to interfere with or affect the processing or issuance of water rights in connection with the Yakima River Basin Enhancement Project.

Emergency and severability clauses are set forth.

Votes on Final Passage:

Senate	41	6	
House	97	0	(House amended)
Senate	43	1	(Senate concurred)

Effective: March 15, 1988

SSB 6736

C 108 L 88

By Committee on Law & Justice (originally sponsored by Senators Pullen, Talmadge, Nelson, Halsan and McMullen)

Changing jurisdiction over tribal lands.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: According to a 1953 law, criminal and civil jurisdiction over Indian lands is transferred from federal to state government. The state is made responsible for such things as law enforcement. However, the Quileute, Chehalis and Swinomish Tribes have provided funds for their own police forces for several years. There have been severe problems protecting the people on the Indian reservations due to inadequate funding and the isolated location. The Colville Tribe in eastern Washington retroceded from full tribal jurisdiction in 1986 and now has the assistance of federal grants to improve law enforcement.

Summary: A procedure is authorized for the retrocession of criminal jurisdiction over Indians to the Quileute, Chehalis and Swinomish Tribes for acts occurring on tribal lands or allotted lands within the three Indian reservations. The jurisdiction of the tribes is not expanded over non-Indians or private property

and there is no effect on water rights, hunting and fishing rights or any established pattern of civil jurisdiction existing on the lands of Quileute, Chehalis or Swinomish Indian reservations.

When the governor receives a resolution from the Quileute, Chehalis or Swinomish tribes stating their desire for the retrocession by the state of all or any measure of criminal jurisdiction, the governor may within 90 days issue a proclamation retroceding to the United States the criminal jurisdiction previously acquired by the state over such reservation. Until an officer of the United States government accepts the retrocession according to federal law, the proclamation shall not become effective.

Votes on Final Passage:

Senate	49	0
House	98	0

Effective: June 9, 1988

SSB 6741

C 215 L 88

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Kroidler and Sellar)

Relating to storage tanks.

Senate Committee on Environment & Natural Resources and Committee on Ways & Means
House Committee on Environmental Affairs

Background: Storage tanks, especially those located underground, are being recognized as a major environmental issue due to the number of tanks and the threat that they pose to groundwater. According to a recent Department of Ecology notification program, more than 33,000 underground tanks were identified. More than 40 percent of these tanks are over 15 years old, at which time they become statistically more likely to leak. Estimates on the number of leaking tanks varies widely, from 1 percent to 20 percent depending on the source. Approximately 60 percent of the state's population relies on groundwater for drinking.

Washington has no program which comprehensively addresses underground storage tanks. In pursuing enforcement action on those whose tanks are leaking, the agency must use other laws, such as water pollution and hazardous waste statutes.

The federal government has developed several storage tank regulatory programs, primarily aimed at

underground tanks. In 1984, Congress passed legislation requiring all tank owners to notify state environmental agencies by May 1986 that they have tanks. This process has been completed in Washington.

In 1986, as part of the reauthorized federal Superfund hazardous waste cleanup law, Congress required owners or operators of tanks to have at least \$1 million of insurance or other proof of financial responsibility for tanks and created a fund for cleaning up leaking tanks for which there is no owner.

Last October, the state Superfund law partially exempted petroleum from its regulatory provisions until July 1990, unless a storage tank bill is enacted with specific funding.

Summary: The Legislature finds that planning and development of a program for regulating storage tanks must begin as soon as possible. The program is to be at least as stringent as federal requirements.

The Legislature also finds that affordable private methods of ensuring that owners and operators of tanks have funds to address potential contamination and property or personal injury may not be available. In addition, the Legislature finds that it is necessary to study the development of risk retention pools to aid underground petroleum storage tank owners and operators to meet federal financial responsibility requirements and provide moneys for corrective action.

A joint select committee is to be established with six members of the Senate and six members of the House of Representatives. The committee is to seek input from persons and organizations representing various groups. The committee is to report to the appropriate legislative committees by December 10, 1988.

It is to address needed federal requirements for full state authority to manage an underground storage tank program; the relationship between state and local governments in managing underground storage tank programs; federal financial responsibility requirements; the cost of tank program administration, method of funding and local/state revenue sharing; and a timetable for implementation.

The committee is also to make recommendations on methods of providing tank owners and operators with a program to assure compliance with federal financial responsibility mandates and to limit state liability; risk retention pools to meet financial responsibility requirements for those who cannot obtain adequate and reasonably priced private insurance; cost estimates of administering risk retention pools; ways to ensure that the tank owners and operators eligible to obtain funds from risk retention pools comply with all applicable standards; adequate means to ensure the state will have the necessary resources to address the obligations

of the risk retention pool(s); adequate and reasonable contributions by the owner or operator which will provide compliance with federal financial responsibility requirements; and a timetable for risk retention pool implementation by June 1, 1989.

By December 10, 1988, the Department of Ecology is to provide a report on above-ground storage tanks. The department is to establish a definition for above-ground petroleum storage tanks with the advice of the joint select committee.

Votes on Final Passage:

Senate	49	0	
House	96	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: March 23, 1988

SSB 6742

C 66 L 88

By Committee on Law & Justice (originally sponsored by Senators Newhouse and Deccio)

Authorizing an additional superior court judge in Yakima county.

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

Background: Since 1977, filings for criminal matters in Yakima County Superior Court have nearly doubled while civil filings have increased by 25 percent over the same period of time.

A Washington Superior Court Weighted Caseload Study was conducted in 1976 by the National Center for State Courts. An update of the weighted caseload study was performed in 1985, 1986 and 1987. The results of these studies have been used to document the need for additional judicial positions. These results indicate that Yakima County Superior Court's judicial position needs of 8.5 FTE's exceeds the current judicial staffing for the court by over 2.0 positions.

Summary: The maximum number of superior court judges authorized in Yakima County is increased by one judge for a total of six. A stenographic reporter is not required to be appointed for the additional superior court judge.

The addition of the judicial position is conditioned upon the documentation by the legislative authority for Yakima County of its approval and agreement that the expenses of the judicial position shall be borne by the county.

The legislative authority for Yakima County has until January 1, 1990, to give its approval for the additional judicial position.

Votes on Final Passage:

Senate	46	0
House	96	0

Effective: June 9, 1988

SB 6745

C 91 L 88

By Senators Williams and Benitz

Requiring disclosure of services provided by alternate operator services companies.

Senate Committee on Energy & Utilities
House Committee on Energy & Utilities

Background: As a result of the Bell System divestiture, a number of companies are providing "alternate operator services" in order to connect callers to long distance service from customer-owned pay phones or phones in hotel rooms and hospitals. Although some companies may charge several dollars to connect a caller to long distance from these phones, the customer is often unaware of the charge until it appears on the monthly bill from a local phone company.

Summary: The Utilities and Transportation Commission is to require that the provision and the charge, fee, or rate of alternate operator services are disclosed appropriately to consumers. Failure to disclose constitutes a violation of the Consumer Protection Act. Damages are presumed equal to the cost of the service provided plus \$200. Additional damages must be proved.

Votes on Final Passage:

Senate	48	0
House	93	0 (House amended)
Senate	43	0 (Senate concurred)

Effective: June 9, 1988

SSB 6763

PARTIAL VETO

C 2 L 88 E1

By Committee on Ways & Means (originally sponsored by Senators Hayner and McDonald)

Providing for capital public school projects and capital projects at Washington State University.

Senate Committee on Ways & Means

House Committee on Rules

Summary: A supplemental capital budget appropriation for various capital projects is made. (See Capital Budget section.)

Appropriation: \$106,199,000

Votes on Final Passage:

Senate	34	11
House	87	3

Effective: March 26, 1988

Partial Veto Summary: The appropriation for Nine Mile Falls School District is vetoed, leaving the appropriation amount to be \$106,073,000. (See VETO MESSAGE)

SJM 8026

By Senators Rinehart, Saling and von Reichbauer

Requesting that Congress exempt tuition waivers from federal income tax.

Senate Committee on Higher Education
House Committee on Higher Education

Background: The United States Congress has failed to renew the federal tax provision excluding tuition waivers from income subject to federal income tax. Tuition waivers worth about \$2,200 each are awarded to students hired as teaching and research assistants at the University of Washington and Washington State University. More than 4,000 graduate students at those institutions will be required to pay taxes on money they will never see.

Summary: The Legislature petitions the President, the Speaker of the House and President of the Senate to reconsider the issue and exclude tuition waivers from income subject to federal income tax.

Votes on Final Passage:

Senate	48	0
House	86	0

SSJM 8027

By Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Owen, Smith and Bailey)

Urging the reduction of plastic wastes in the Pacific Ocean.

Senate Committee on Environment & Natural Resources

House Committee on Environmental Affairs

Background: The amount of plastic debris being found washed up on beaches and at sea has increased dramatically in the last ten years. A recent survey of debris in the North Pacific Ocean indicated that 86 percent of all man-made material was plastic. While there has been no world-wide conclusive research done concerning the total impact of plastic debris on wildlife, there have been numerous cases where death and serious injury have occurred because of plastic materials. Animals, including seabirds and marine mammals, either ingest plastic material or get it wrapped around them in such a way that it eventually incapacitates them or makes them easier targets for predators.

In 1984, an effort to address plastic pollution was begun by the International Maritime Organization (IMO), which consists of numerous countries from around the world. The organization decided to amend the IMO, an international "Convention" relating to pollution from ships, commonly known as MARPOL, and enacted in 1973. The purpose of the convention was to commit various countries to practice anti-pollution activities when on the high seas. Annex V of the convention is directed specifically to marine plastics pollution and restricts dumping of materials overboard and establishes refuse discharge limitations.

In order to become a party to the Annex, the United States Congress enacted a law last year that prohibits most dumping of material overboard in U.S. and international waters. The law also requires ports of call to have adequate facilities for handling solid waste from ships. The Coast Guard was given the responsibility to administer the new law, but did not get additional funding for it.

Some have advocated that the law could be strengthened by designating "sensitive" waters in the U.S. including the coast of Washington and the Gulf of Mexico. Because of population, industry, and tidal action, Washington's coastal waters attract more marine debris than most other waters in the world. Also, there has been an effort to strengthen the law.

Summary: The United States Congress and the President are asked to continue and strengthen implementation of the recently enacted law making the U.S. a signatory to the International Convention Relating to Pollution from Ships (MARPOL) Annex V.

Congress and the President are asked to encourage nations that have not yet signed the International Convention agreement to do so. A comprehensive education program for ocean going commerce and fishing vessels is asked to be implemented. Additionally, the congress and the President are asked to reallocate Coast Guard funds to provide more monies from the

existing agency allocation vigorously to pursue implementation of the law relating to marine plastics dumping.

Votes on Final Passage:

Senate	48	0
House	92	0

SJM 8028

By Senators Zimmerman and Bauer

Petitioning Congress and the Army Corps of Engineers to designate sites in the Columbia River Gorge National Scenic Area to receive spoil material to improve the recreational value of those sites.

Senate Committee on Governmental Operations
House Committee on Environmental Affairs

Background: Congress has passed the Columbia River Gorge National Scenic Area Act and authorized construction of a new navigation lock at Bonneville Lock and Dam within the scenic area which will produce 4.7 million cubic yards of spoil material. However, Congress failed to provide for recreational development on the Bonneville Pool at the time of the construction of the dam.

Summary: Congress and the Army Corps of Engineers are petitioned to designate sites in the Columbia River Gorge National Scenic Area to receive spoil material to improve recreational value of those sites.

It is requested that spoil material from construction of the new lock at the Bonneville Dam be deposited at sites identified by the port districts or the Bonneville Pool.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	42	0	(Senate concurred)

SJM 8030

By Senators Barr, Hansen and Sellar

Requesting expedited funding for the lighting system at Grand Coulee Dam.

Senate Committee on Rules
House Committee on Trade & Economic Development

Background: As a major world tourist attraction, Grand Coulee Dam is visited by more than 500,000 people every year. One of the most interesting features

of the dam tour is to view the nightly display of colored lights. The system, which was installed more than 30 years ago, depends upon a massed array of incandescent bulbs which play over the water as it spills across the face of the dam.

The Bureau of Reclamation, which manages the structure and grounds, has included renovation and modernizing of the lighting system in its long-range budget. Included in the project is development of a laser-light show which would be more dramatic as well as more reliable.

Under current plans, it appears that funding of the improvements might not be approved by Congress in time for the light show to be available to viewers during the celebration of Washington's Centennial next year. A variety of local groups, including the Economic Revitalization Committee, have asked for state assistance in asking Congress to expedite the necessary appropriation.

Summary: The President, Congress, and the Department of the Interior are asked to approve the appropriation for the lighting system improvements at the Grand Coulee Dam as soon as possible, so that the project can be incorporated into the celebration of the State Centennial.

Votes on Final Passage:

Senate	43	0
House	97	0

SCR 8428

By Senators DeJarnatt, Patterson, Rasmussen, Zimmerman, Hayner, Garrett, Conner, Bauer, Moore and Smith

Commending Julia Butler Hansen for her career of public service.

Senate Committee on Rules
House Committee on Rules

Background: Julia Butler Hansen served 22 years in the Washington State Legislature and gave her full support to improvements in the highway, bridge and transportation systems, achieving leadership roles that were heretofore unavailable to any woman. She initiated laws establishing the Joint Committee on Highways and the Washington State Highway Commission which removed the governor's control of the state highway system.

Mrs. Hansen served 15 years in the United States House of Representatives, becoming the first woman ever to chair an appropriations committee. Upon her

retirement from Congress she was appointed immediately to the Washington State Transportation Commission, serving as Chair in 1979-80. She retired to her home in Cathlamet, Washington, December 31, 1980, after 40 years of public service. She is an expert on northwest history, a published author and has been a devoted wife and mother to her late husband, Henry, and her son, David.

There is a landmark bridge between Mrs. Hansen's home in Cathlamet and Puget Island on State Route 409. It was the first of many bridges built through the efforts of Julia Butler Hansen.

Summary: The Washington State Transportation Commission shall commence proceedings to change the name of the Puget Island Bridge to the Julia Butler Hansen Bridge to commemorate her dedicated efforts to improve the state's transportation network.

Votes on Final Passage:

Senate	Adopted by voice vote
House	Adopted by voice vote

SSCR 8429

By Committee on Higher Education (originally sponsored by Senators Saling, Smitherman, Patterson, Hansen, McMullen, Anderson and von Reichbauer)

Approving the master plan for higher education and establishing a study group.

Senate Committee on Higher Education
House Committee on Higher Education

Background: According to statute, the purpose of the Higher Education Coordinating Board is to "provide planning, coordination, monitoring, and policy analysis for higher education in the state of Washington" The 1985 Legislature created the board and directed it to develop and adopt a comprehensive master plan for the future of the state's higher education system and to submit the initial plan to the governor and the Legislature by December 1, 1987. The plan is to be updated biennially and following public hearings the Legislature shall, by concurrent resolution, approve the plan or recommend changes to it and the biennial updates. Unless legislation is enacted to alter the plan, it becomes state higher education policy.

BUILDING A SYSTEM . . . to be among the best is the title of the Washington State Master Plan for Higher Education. The board chose to focus this initial plan on the four policy choices it determined to be the foundation of the state's plan for higher education. The cornerstones are increased access to urban areas, a new basis of funding, performance evaluation of

institutions, and strengthened admissions standards for the baccalaureate institutions. The plan challenges the state to reinvest in its future, to plan that investment wisely and to monitor its return while striving to be among the five best higher education systems in the nation by 1995.

Summary: The Legislature commends the Higher Education Coordinating Board for its high quality work, dedication, and commitment to the state of Washington in producing a master plan for higher education.

The Legislature approves the following goals of the master plan: That Washington's system of higher education be among the best in the nation; that the system provide cultural enrichment, develop social leadership, and foster economic development; that the system remove discriminatory barriers; that the system provide equitable access to postsecondary programs of study, with particular attention to serving place-bound adults in urban areas; that the system develop performance evaluation methods for assessing how well students are being educated, and for establishing a system of accountability; and that the system develop an admissions policy that strengthens education while preserving multiple points of access.

The Legislature endorses the concept of a stable, reliable, and predictable approach to funding higher education but defers implementation of any new funding mechanism until the Legislature completes a study of higher education funding policies and related issues. Related issues include a state enrollment policy, appropriate quality comparison groups, state funding priorities and goals, and a process for evaluating educational service needs and establishing off-campus programs in underserved areas.

A special joint study group is established to review the components of the proposed SAFE funding approach, and to recommend a methodology for funding higher education and addressing related matters. The study group shall have 12 members, four members each selected by the President of the Senate and the Speaker of the House of Representatives, one member from the Office of Financial Management, and three members appointed by the governor, one of whom shall be a member of the Higher Education Coordinating Board.

The study committee will report its findings and recommendations to the Legislature before the start of the regular legislative session in 1989.

Votes on Final Passage:

Senate	41	8	
House	98	0	(House amended)
Senate	35	10	(Senate concurred)

SSCR 8430

By Committee on Governmental Operations
(originally sponsored by Senators Talmadge, Owen, Conner, Bender, Pullen, Warnke, McDonald, Bauer, Metcalf and Rasmussen)

Urging the display of the prisoner-of-war and missing-in-action flag.

Senate Committee on Governmental Operations
House Committee on State Government

Background: Approximately 50,000 Americans are still listed as prisoners of war or missing in action from World War II, the Korean War, and the war in Southeast Asia. It is suggested that the display of a prisoner-of-war and missing-in-action flag be encouraged as a reminder to pursue efforts to locate and return any POWs or MIAs.

Summary: Cities and towns are encouraged to display the prisoner-of-war and missing-in-action flag. In addition, the Legislature authorizes that the state Vietnam Veterans Memorial on the capitol campus, dedicated in 1982, be resurfaced and inscribed to honor POWs and MIAs and that the POW-MIA flag be flown near the memorial.

Votes on Final Passage:

Senate	Adopted by voice vote
House	Adopted by voice vote

SCR 8434

By Senator Patterson

Commemorating Elmer Huntley.

Senate Committee on Rules
House Committee on Rules

Background: Elmer C. Huntley represented the ninth legislative district of Whitman county for 16 years in the Washington State Legislature. He was well known as an advocate for improvement of the state's highway system, serving consistently on the highway committees of the Senate and House, chairing the House Highway Committee in 1963. He was the sponsor of the Highway Priority Programming Act which initiated the development of long range transportation planning throughout the state.

Between terms in the House and Senate, he was appointed Chairman of the Washington State Highway Commission in 1957. He chaired the Washington State Utilities and Transportation Commission in 1973 after leaving the Senate and also was elected Chairman of the National Association of Regulatory Utility Commissioners (NARUC).

The naming of bridges and highways is the prerogative of the Washington State Transportation Commission. Its officials have indicated that a legislative resolution supporting the renaming of Bridge No. 10 is desired.

Summary: The Washington State Transportation Commission is directed to begin proceedings to change the name of Bridge No. 10 across the Snake River on State Route 127 at Central Ferry in Garfield County to the Elmer C. Huntley Bridge.

Suitably inscribed copies of this resolution shall be forwarded to the commission and to former Senator Huntley and his wife, Necia.

Votes on Final Passage:

Senate 46 0

House Adopted by voice vote

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**1987-89 Estimated Revenues And Expenditures
Cash Receipt and Cash Disbursements Plus Accrued Expenditure
(Dollars in Thousands)**

Revenue

February 1988 Revenue Forecast	\$10,291.5
Rent-a-cell	\$27.1
Revenue Legislation	\$4.5
UW S.S. Refund	\$2.5
GAAP Adjustment	(\$13.5)
Lottery Transfer	\$1.0
SEIB Transfer	\$2.7
<hr/>	
Total Revenue Available	\$10,315.8

Expenditures

Total Current Spending Authority	\$10,190.8
Governor Expenditure Reductions	(\$19.1)
Proposed Supplemental Budget Legislation	\$130.0
GAAP Adjustment	\$0.8
	\$4.9
<hr/>	
Total Expenditures	\$10,307.4

Unreserved Cash Balance \$8.4

<u>Employment Security Reserve</u>	<u>\$2.1</u>
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Available Balance \$10.5

Appropriation and Revenue Legislation

Appropriation Measures Passed by the 1988 Legislature

Bill Number	Title	Appropriation	
		GF-S	Other
SHB 1170	L & I Physicians Requirements		\$100,000
EHB 1346	Communication Sites/State Land	\$2,800	
SHB 1389	Food & Shelter Program Account	\$10,000	
2SHB 1640	G. Robert Ross Service Award	\$250,000	\$250,000
ESHB 1835	Tri Cities Diversification	\$520,000	\$1,240,000
ESHB 2038	Wa Health Care Authority		\$1,300,000
EHB 2057	Public Facilities		\$58,000,000
ESSB 6124	Rural Hospital Assistance	\$10,000	
SB 6271	Home For Ill/disabled/infirm	\$38,875	
SB 6297	Invest L & I Funds		\$100,000
SSB 6470	Health Profess Substan Abuse	\$5,000	\$39,000
SSB 6548	Targeted Jobs/Tx Crdt Approp		\$1,700,000
Total Appropriation Legislation		\$836,675	\$62,729,000

Revenue Measures Passed by the 1988 Legislature

Bill Number	Title	Revenue	
		GF-S	Other
HB 668	Anesthesia Use/Dental Board		\$25,000
SHB 791	Camping Clubs Regulation	\$188,000	
HB 1089	B&O Deduction/Employee Benefits	\$408,000	
HB 1371	Transfer Tax Provisions	\$50,000	
HB 1373	Tax Cancel Prop Exmpt Fr Prop Tax	\$226,000	
HB 1388	Lodging Excise Tax	(\$23,000)	
HB 1401	Sheltered Workshops B&O Exemption	(\$129,000)	
HB 1420	Property Tax-State Levy	(\$100,000)	
HB 1450	Sales/B&O Tax Credits	(\$4,500,000)	
HB 1507	Vendor Sales & Use Tax Exemptions	\$8,119,000	
SHB 1525	Debenture Companies	\$240,000	
SHB 1530	Nursing Assist Certif & Regs		\$83,000
SSB 6118	State Child Care Policy	(\$24,200)	
SSB 6240	Wild Mushrooms	\$16,000	
SSB 6470	Health Profess Substan Abuse		\$39,000
ESB 6563	Uniform Fed Lien Registration	\$28,000	
Total Revenue Legislation		\$4,498,800	\$147,000

March 10, 1988

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FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
LEAP			
Salary Survey	35,000	35,000	Review salary survey methodology (SB 6300).
SUPREME COURT			
Salary increases for justices	246,000	246,000	Salary increases for the justices are constitutionally mandated.
COURT OF APPEALS			
Salary increases for judges	445,000	445,000	Salary increases for the judges are constitutionally mandated.
ADMINISTRATOR FOR THE COURTS			
Eight new judgeships	240,000	240,000	Four (4) judgeships not filled; funds reduced accordingly.
Salary increases for judges	1,879,000	1,879,000	Salary increases for the judges are constitutionally mandated.
Complete JIS Program	0	2,200,000	Funds expansion of JIS with PSEA funds.
Gender/Minority Task Force	0	80,000	Increase provided to complete initial study phase.
Public Defender Task Force	0	70,000	Supports implementation of SSB 6498; study and recommendations on public defender appointment procedures.
Sub Total	2,119,000	4,469,000	
SECRETARY OF STATE			
Caucus Advertising	83,000	83,000	Provides support for presidential caucus advertising.
OFFICE OF FINANCIAL MANAGEMENT			
Everett naval homeport impact	(8,204,000)	(8,204,000)	Only \$2.2m is necessary this biennium for local program impact. \$10.4m was originally set aside.
Efficiency Commission	100,000	100,000	Operating expenses.
School Facilities Inventory	(250,000)	(250,000)	Eliminate funding for common school facilities inventory.
Sub Total	(8,354,000)	(8,354,000)	

FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
DEPARTMENT OF PERSONNEL			
SEIB operating expenses	0	40,000	Brokerage services for July 1, 1988 health insurance contract.
DEPARTMENT OF GENERAL ADMINISTRATION			
Risk management improvements	(34,000)	269,000	Funding provided to develop data base for future liability and property damage claims.
DEPARTMENT OF CORRECTIONS			
Housing of federal inmates	6,670,000	6,670,000	Funds projects necessary to implement rent-a-cell.
Community correction officer training	0	100,000	Funds child abuse prevention training for community corrections officers.
Steilacoom parking-McNeil Island	200,000	200,000	Funds to address employee parking problem.
Items from reduction list	(1,091,000)	(1,091,000)	From agency savings plan.
Sub Total	5,779,000	5,879,000	
DEPT. OF SOCIAL & HEALTH SERVICES			
Children and Family Services:			
Change in federal medical assistance, percentage from 54.82% to 53.06%	119,000	0	Additional state funds needed to replace reduced federal revenue due to final calculation of federal matching rate.
Expand WIC Program	200,000	1,064,000	Expands services under the Women's, Infant's, and Children's Program.
Maternal and Child Health (LIHEAP transfer)	3,250,000	3,800,000	Increases G.F.-State by \$3.25 million and transfers \$550,000 from DCD to replace lost federal revenue to the Maternal and Child Health Program.
Foster care	9,000,000	9,000,000	The \$9.0 million recommendation provides funds to address caseload growth and includes projects to prevent the need for placements and expedite the return to home. Also designates \$550,000 for homebuilders projects and and requires specified reports.

FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
Day care funding	2,700,000	2,700,000	Provides \$2.5 million to address increased day care caseloads; adds \$100,000 for a pilot daycare subsidy program; designates \$110,000 for seasonal daycare expansion, and provides \$100,000 for a program on positive discipline and child abuse prevention.
Teen parent counseling	10,000	10,000	Additional funds for counseling teenage parents who are victims of sexual and physical abuse.
CPS and criminal justice personnel training	0	400,000	Provides funding for training of CPS caseworkers and criminal justice personnel regarding victims of sexual abuse.
Juvenile Rehabilitation: Group home/Institutional placements	(1,100,000)	(1,100,000)	Includes \$1,000,000 savings from community services and \$100,000 from institutional savings. Provides that current consolidated juvenile services funding shall not be reduced.
Low wage earner surplus funds	(141,000)	(141,000)	Budgeted amounts for DJR low wage earners exceed actual requirements.
Mental Health: ITA caseload savings	(3,400,000)	(3,400,000)	Revised caseload estimates are below budgeted amounts.
Low wage earner surplus funds	(863,000)	(863,000)	Budgeted amounts for MH low wage earners exceed actual requirement.
Increased Title XIX earnings	(800,000)	0	Federal earnings exceed budget estimates.
Change in federal medical assistance, percentage from 54.82% to 53.06%	193,000	0	Additional state funds needed to replace reduced federal revenue due to final calculation of federal matching rate.
Developmental Disabilities: Increased federal reimbursements	(5,200,000)	0	Federal per diem for DD institutions is greater than assumed in the budget
Change in federal medical assistance, percentage from 54.82% to 53.06%	1,670,000	0	Additional state funds needed to replace reduced federal revenue due to final calculation of federal matching rate.

FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
Community IMR funding	1,400,000	2,429,000	Provides funding for United Cerebral Palsy Resource Center, Bellevue Center, Highline Center, the L'Arche Center in Spokane, the Yakima Valley Center for the Deaf, Pierce County Autism program, and Sumner Lodge, and Sunnyhaven.
Fircrest/Rainier Labor disputes	1,800,000	3,700,000	Funds required to address budget shortfalls at Fircrest and Rainier schools due to labor dispute.
Long Term Care:			
Increased federal reimbursements	(2,400,000)	0	Increased federal reimbursements offsets G.F.-State.
Change in federal medical assistance, percentage from 54.82% to 53.06%	3,566,000	0	Additional state funds needed to replace reduced federal revenue due to final calculation of federal matching rate.
Nursing home caseloads	2,800,000	5,833,000	Nursing home caseloads exceed budget assumptions.
Nursing home low/wage earner	2,600,000	5,417,000	Actual costs exceed budgeted amounts.
Volunteer chore	200,000	200,000	Volunteer chore.
CCF low wage earners	174,000	174,000	Extend low wage earner to CCF workers in facilities serving mentally ill and geriatric residents.
Income Assistance:			
Reduced caseloads	(15,820,000)	(47,560,000)	Revised caseload estimates below budgeted amounts.
Change in federal medical assistance, percentage from 54.82% to 53.06%	5,117,000	0	Additional state funds needed to replace reduced federal revenue due to final calculation of federal matching rate.
Community Social Services:			
ADATSA savings	(1,400,000)	(1,400,000)	Lower than projected program participation.
Medical Assistance:			
Change in federal medical assistance, percentage from 54.82% to 53.06%	7,993,000	0	Additional state funds needed to replace reduced federal revenue due to final calculation of federal matching rate.

FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
Medicare premium increase	4,267,000	4,267,000	Fund increased premium to prevent current Medicare recipients from becoming Medicaid recipients at higher cost to the state.
Public Health:			
Added vital records revenue	(92,000)	0	Increased Vital Records revenue offsets G.F.-State support.
Radiation waste monitoring	516,000	672,000	Provides G. F.-State funding to restore program to current services level.
Implement AIDS task force recommendations	4,300,000	5,925,000	Provides funding for AIDS legislation based on the AIDS Task Force recommendations, continues federally funded programs, and provides for corrections officer training from PSEA.
Community clinics	100,000	100,000	Expand community health clinics.
Air emission monitoring for monitoring radionuclides	0	850,000	Provides expenditure authority to implement air monitoring program at Hanford. Fee revenue provided primarily by U.S. Department of Energy.
Vocational Rehabilitation:			
Increased federal reimbursements	(800,000)	2,656,000	Increase federal appropriation by \$3,456,000 and reduce G.F.-State match by \$800,000.
Administration:			
Agency-wide savings	(2,700,000)	(2,700,000)	Agency directed to achieve administrative savings. Language permits transfer of savings for other DSHS programs to Administration program.
Child abuse prevention	50,000	50,000	Early parenting skills/child abuse prevention program.
Community Services Administration:			
Reduce caseload staffing/GA-U incapacity exams	(1,000,000)	(1,000,000)	Reduce due to decline in income assistance caseloads.
Opportunities transfer	1,700,000	1,700,000	FIP transfer needed to replace reduced federal revenues.

FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
Increased Title XIX revenue	(500,000)	0	Increased federal revenues reduces GF-State.
Sub Total	17,509,000	(7,217,000)	
DEPARTMENT OF COMMUNITY DEVELOPMENT			
Low-income Weatherization	0	2,000,000	Oil overcharge monies.
Disaster Assistance	89,000	89,000	State funds required to match federal disaster assistance.
Cowlitz County: Mt. St. Helens Warning System	58,000	58,000	For installation and maintenance of Mt. St. Helens flood warning system.
Lewis County: Vocational Education	250,000	250,000	For career assessment, technical partnership on-site programs, principles of technology education, and business partnerships in medical technology.
LIHEAP	0	(550,000)	Final version transfers one-half of remaining LIHEAP money to DSHS, one-half remains in DCD.
Housing Trust Fund	1,000,000	1,000,000	Final version appropriates \$1.0m and transfers unclaimed lottery prizes to General Fund.
Omak Fire	125,000	125,000	Provides emergency funding for Omak and Okanogan County.
Prison Impact Study	45,000	45,000	Study impact of prisons on communities in which they are located.
Okanagan County Security	25,000	25,000	Increasing security requirements in Okanogan County.
Sub Total	1,592,000	3,042,000	
VETERANS AFFAIRS			
Miscellaneous efficiencies	(120,000)	(120,000)	Agency identified efficiencies.
HUMAN RIGHTS COMMISSION			
Caseload growth and affirmative action plans per RCW 49.74	59,000	59,000	Two FTEs to handle caseload growth and backlog plus affirmative action plan review.

FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
DEPARTMENT OF LABOR AND INDUSTRIES			
Appropriation adjustment-- Building and Construction Safety Inspection Services program	(344,000)	0	Adjustment in administrative support costs reflects pro rata share of costs by fund source.
Appropriation adjustment--Employ- ment Standards/Apprenticeship/ Crime Victims program	187,000	(47,000)	Adjustment provides additional G. F.-State funding for employment standards activities and decreases Farm Labor Revolving Account appropriation.
Office of Information Assistance	0	245,000	Ombudsman to provide assistance to departmental clients.
Sub Total	(157,000)	198,000	
INDETERMINATE SENTENCING REVIEW BOARD			
Accelerate phase out	(238,000)	(238,000)	The Board has eliminated its backlog more rapidly than anticipated. This permits an acceleration of its phase out.
EMPLOYMENT SECURITY			
Fund Shift	0	2,080,000	Final version appropriates Federal Interest Payment funds but holds in reserve for state-wide financial emergency.
Economic Development	0	1,435,000	Final version provides: \$200,000 for technology transfers; \$110,000 for Washington marketplace; \$60,000 for BIDCO; \$300,000 for business and job retention; \$150,000 for minority youth program; \$75,000 for labor market information; \$40,000 for military diversification; and \$500,000 to mitigate impacts of federal immigration reform act. Moneys are contracted out to other agencies as necessary. \$225,000 fund balance is retained and balance is used for Tri-Cities diversification (HB 1835).
Sub Total	0	3,515,000	
SENTENCING GUIDELINES COMMISSION			
Fees for manual	(12,000)	(12,000)	Imposes \$15 fee for manual that offsets \$12,000 in G.F.-State.

FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
=====			
CONSERVATION COMMISSION			
Water Quality Account administration and program costs	0	78,000	Transfer of administration costs from capital to operating budget. Allows up to 8% program costs.
DEPARTMENT OF FISHERIES			
Hotline	45,000	45,000	Start-up funds for sport/commercial fisheries hotline. Fisheries may charge fees to recover of costs.
Delete Tilton River project	(40,000)	(40,000)	Virus prohibits salmon reintroduction.
Stillaguamish River project	125,000	125,000	Salmon and steelhead rehabilitation plan.
	-----	-----	
Sub Total	130,000	130,000	
DEPARTMENT OF WILDLIFE			
Commission support costs	0	289,000	Support and reorganization costs per HB 758.
Retirement cashout	0	27,000	Costs in excess of budget estimate.
Reward Fund	0	18,000	Conservation fund rewards.
	-----	-----	
Sub Total	0	334,000	
DEPARTMENT OF NATURAL RESOURCES			
Move from Cherberg Building	(50,000)	(50,000)	Final version deletes additional costs for DNR move from Cherberg Building and recovers \$50,000 in unspent funds from original \$100,000 appropriation.
Fire suppression	6,015,000	6,015,000	Fire suppression.
Spruce Budworm Control	439,000	439,000	Final version funds agency request for Spruce Budworm spraying at revised DNR cost estimate.
Cost allocation system	0	75,000	Feasibility study for cost allocation system under direction of DIS.
Survey backlog	0	65,000	Increased funds in surveys and maps account to address backlog.

FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
Lease and Contract Administration	0	150,000	Audits and reviews of Eastern Washington agricultural leases on DNR land.
Increased sales and sales harvest	0	297,000	Increase timber sales to take advantage of improved timber prices.
Forest management activities	0	2,420,000	Increased fertilization, thinning, etc. due to improved market.
Sub Total	6,404,000	9,411,000	
DEPARTMENT OF AGRICULTURE			
Aquaculture program	40,000	40,000	Funds to complete aquaculture funding needs for biennium.
Mushroom harvesting	12,000	12,000	Implementation of SSB 6240 (fees supported).
Sub Total	52,000	52,000	
CONVENTION CENTER			
Freeway lighting	0	135,000	WSCTC to cover freeway lighting costs per agreement with DOT.
Operating costs	0	961,000	Expenditures are a part of the deficit reduction plan for the WSCTC. Plans call for food, telephone rental, utility and cleaning services to be provided in-house. Results in revenue increase to WSCTC.
Marketing Program	0	1,540,000	Contingent upon passage of HB 1801, HB 2052 or SB 6757.
Sub Total	0	2,636,000	
WASHINGTON STATE PATROL			
Crime Lab staff increase/reclass	500,000	500,000	Increase necessary to replace Federal Funds to eliminate backlog, and meet obligations to provide crime lab services to police agencies and prosecutors. Allows addition of 6 criminalists and criminalist job class upgrade.
Narcotics task forces	300,000	300,000	Final version funds Yakima and Spokane.

FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
Green River Task Force	300,000	300,000	Green River Task Force assistance.
Appropriate ACCESS fees	1,268,000	(355,000)	Accounting change requires appropriation (fund change); generates increased G.F.-State revenues.
Sub Total	2,368,000	745,000	
DEPARTMENT OF LICENSING			
Miscellaneous regulation fees	195,000	303,000	Self-supporting regulatory activities for anesthesiologists, camping clubs, lien registration, and nursing assistants (legislation passed).
SUPERINTENDENT OF PUBLIC INSTRUCTION			
Basic education entitlements	20,083,000	20,083,000	Funds revised OFM enrollment forecast. 2,730 increase for 1987-88 and 6,770 for 1988-89 school years. Includes an increase in small school allocation and other technical adjustments. Includes \$.2 for Omak fires in emergency fund. Includes enrollment decline formula.
Handicapped Education	15,559,000	15,559,000	Re-projection of enrollments based on October headcount information. Includes updated salary information.
Institutional Education	1,324,000	1,324,000	Final version recognizes actual 86-87 salary levels and includes \$100,000 for job search training program.
Bilingual Education	881,000	881,000	Recognizes 87-88 enrollment level.
Learning Assistance Program	875,000	875,000	Increases are due to revised K-9 enrollment forecasts and test scores that are slightly lower than assumed.
Pupil Transportation	4,884,000	4,884,000	Based on actual 1987-88 workload and bus depreciation costs.
Vocational Technical Institutes	185,000	185,000	Legislature raises per pupil funding rate by \$147, effective May 1, 1989 to assist in the replacement of equipment.

FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
Washington Institute	(300,000)	(300,000)	Unspent funds due to slower than anticipated phase-in of operation of Washington Institute of Applied Technology.
Education of Highly Capable	3,000	3,000	Enrollment forecast growth and carry forward adjustments.
Suicide Lifeline	60,000	60,000	Lifeline Institute pilot project to combat youth suicide.
Salary Adjustments	715,000	715,000	Lower than anticipated funding needs for minimum salaries. Impact of handicapped growth on salary base.
AIDS Education	314,000	314,000	Funds expansion in AIDS funding.
Elim. Block Grant in 1988-89	(4,458,000)	(4,458,000)	Shifts last 2 months of 1988/89 school year cost (20%) into next biennium.
Administration	(100,000)	(100,000)	Administrative efficiencies from office budget.
Raise employee benefit contribution	31,878,000	31,878,000	Maintains equity with SEIB contribution levels
Sub Total	71,903,000	71,903,000	
COMMUNITY COLLEGES			
Salary adjustments	(272,000)	(272,000)	Reflects correct calculations using OFM salary base.
UNIVERSITY OF WASHINGTON			
Faculty salary increases	0	246,000	Funds for salary increases from the Medical Aid and Accident Funds were inadvertently omitted from the appropriation bill. The recommended total reflects OFM's salary base.
Graduate assistants salary increase	(208,000)	(208,000)	Eliminate OASI and retirement benefits from cost of salary increases for graduate assistants.
Graduate assistants budget base	(852,000)	(852,000)	Eliminate OASI and retirement benefits from salary base for graduate assistants.

FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
Aids Clinic	200,000	200,000	Rental for AIDS Clinic and research center.
Branch campus study	150,000	150,000	Funds branch campus study.
Sub Total	(710,000)	(464,000)	
WASHINGTON STATE UNIVERSITY			
Graduate assistants salary increase	(163,000)	(163,000)	Eliminate OASI and retirement benefits from cost of salary increases for graduate assistants.
Vancouver center	165,000	165,000	Teacher training at Southwest Washington Center in Vancouver.
Sub Total	2,000	2,000	
EASTERN WASHINGTON UNIVERSITY			
Salary adjustment	(25,000)	(25,000)	Reflects correct calculations using OFM salary base.
Graduate assistants salary increase	(3,000)	(3,000)	Eliminate OASI and retirement benefits from cost of salary increases for graduate assistants.
Summer school	(101,000)	(101,000)	Correct over-funding for summer school state support.
Sub Total	(129,000)	(129,000)	
CENTRAL WASHINGTON UNIVERSITY			
Graduate assistants salary increase	(7,000)	(7,000)	Eliminate OASI and retirement benefits from cost of salary increases for graduate assistants.
THE EVERGREEN STATE COLLEGE			
Salary adjustment	(9,000)	(9,000)	Reflects correct calculations using OFM salary base.
WESTERN WASHINGTON UNIVERSITY			
Salary adjustment	(30,000)	(30,000)	Reflects correct calculations using OFM salary base.

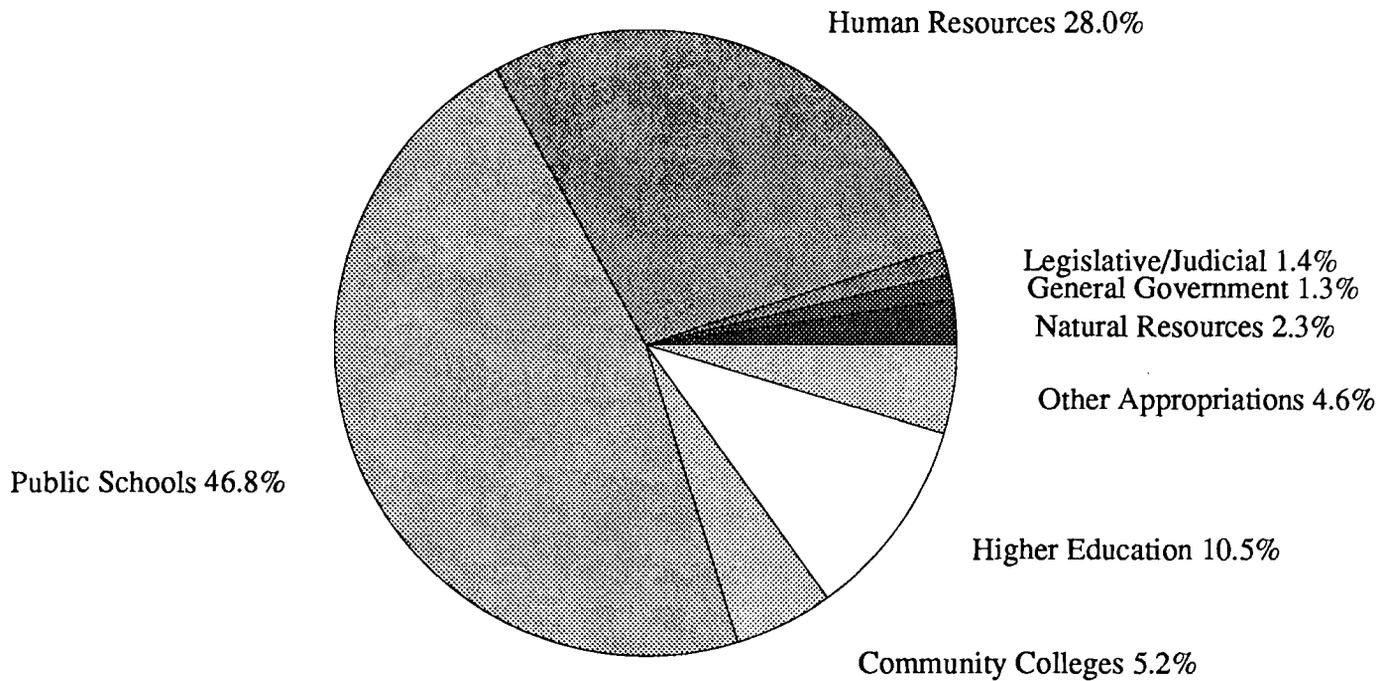
FINAL 1988 SUPPLEMENTAL BUDGET

AGENCY	GF-STATE	TOTAL	COMMENTS
Graduate assistants salary increase	(12,000)	(12,000)	Eliminate OASI and retirement benefits from cost of salary increases for graduate assistants.
Summer school	(402,000)	(402,000)	Correct over-funding for summer school state support.
Sub Total	(444,000)	(444,000)	
HIGHER EDUCATION COORDINATING BOARD			
Washington Scholars	200,000	200,000	Grants to Washington scholars approved in SB 5558.
Minority Recruitment	30,000	30,000	Funds new position to be matched from non-state sources.
Distinguished Professors	(250,000)	(250,000)	Funds transferred to G. Robert Ross award (HB 1640).
Sub Total	(20,000)	(20,000)	
DEPARTMENT OF RETIREMENT SYSTEMS			
Revenue Accrual Account	0	(340,000)	Reduce appropriation to match available funds.
STATE EMPLOYEE INSURANCE CONTRIBUTIONS			
Raise SEIB contribution rate	25,008,000	39,436,000	FY 89 premiums.
Retirement Contributions--OFM	934,000	934,000	Increased pension costs within K-12 classified.
Sub Total	25,942,000	40,370,000	
TREASURER'S TRANSFERS			
Tort Claims Fund	3,478,000	4,051,000	Funding covers the cost of pending waivers and provides a \$2.5 million fund balance for remainder of biennium.
Lyle Ridge Fire	285,000	285,000	Arson fire--G.F.--State reimbursement to the Landowner Contingency Account.
Sub Total	3,763,000	4,336,000	

FINAL 1988 SUPPLEMENTAL BUDGET

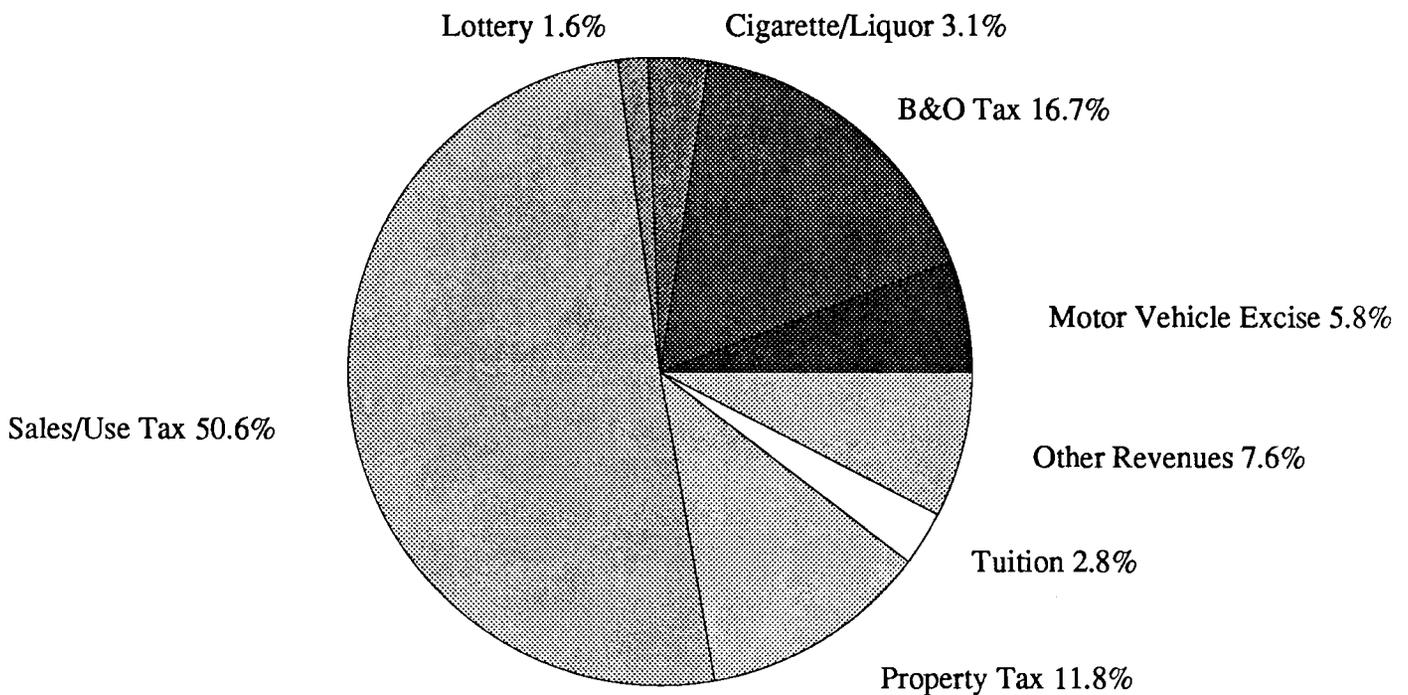
AGENCY	GF-STATE	TOTAL	COMMENTS
REVENUES FOR DISTRIBUTION	6,090,000	11,698,000	
BOND RETIREMENT AND INTEREST			
Spokane River Toll Bridge			
Bond Redemption Account	0	(889,000)	Change the appropriations from the bond retirement accounts to the proprietary funds to allow the expenditures to be recorded in the proper fund per GAAP.
Spokane River Toll Bridge			
Revolving Account	0	889,000	
General Obligation Bond Retirement	0	(19,108,000)	Debt service of \$638,408 on a \$4.8 million 1987 bond authorization for the Convention Center was not included in the original appropriation.
Convention and Trade Center Account	0	19,746,000	
Sub Total	0	638,000	
TOTALS	130,026,000	122,028,000	

Washington State 1987-89 Biennium Expenditures General Fund - State



March 10, 1988

Washington State 1987-89 Biennium Revenues General Fund - State



March 10, 1988

Operating Budget Summary

WASHINGTON STATE
1987-89 BIENNIUM
GENERAL FUND - STATE

(DOLLARS IN MILLIONS)

EXPENDITURES	DOLLARS	PERCENT
EDUCATION	\$6,431.0	62.4%
PUBLIC SCHOOLS	4,818.9	46.8%
COMMUNITY COLLEGES	530.9	5.2%
HIGHER EDUCATION	1,081.3	10.5%
HUMAN RESOURCES	2,889.5	28.0%
SOCIAL AND HEALTH SERVICES	2,441.2	23.7%
CORRECTIONS	355.4	3.4%
OTHER HUMAN RESOURCES	92.9	0.9%
LEGISLATIVE/JUDICIAL	139.7	1.4%
GENERAL GOVERNMENT	134.8	1.3%
NATURAL RESOURCES	239.2	2.3%
OTHER APPROPRIATIONS	473.2	4.6%
OTHER EDUCATION	67.4	0.7%
TRANSPORTATION	41.5	0.4%
OTHER	364.4	3.5%
TOTAL EXPENDITURES	\$10,307.4	100.0%

REVENUES	DOLLARS	PERCENT
SALES/USE TAX	\$5,224.7	50.6%
B&O TAX	1,721.0	16.7%
PROPERTY TAX (STATE SCHOOL LEVY)	1,221.0	11.8%
MOTOR VEHICLE EXCISE TAX	596.6	5.8%
CIGARETTE/LIQUOR	321.6	3.1%
CIGARETTE TAX	182.2	1.8%
LIQUOR SALES/LITER TAXES	139.4	1.4%
TUITION	291.1	2.8%
LOTTERY	160.7	1.6%
OTHER REVENUES	779.1	7.6%
PUBLIC UTILITY TAX	275.1	2.7%
REAL ESTATE EXCISE TAX	258.9	2.5%
INSURANCE PREMIUMS TAX	199.3	1.9%
DEBT SERVICE	(434.2)	-4.2%
ALL OTHER	480.0	4.7%
TOTAL REVENUES	\$10,315.8	100.0%

MARCH 10, 1988

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WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 APPROPS (THRU 3/88) VS. 1987-89 APPROPS (THRU 10/87)
STATE OF WASHINGTON
DOLLARS IN THOUSANDS

	----GENERAL FUND STATE-----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			-----TOTAL ALL FUNDS-----		
	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF
LEGISLATIVE	89,426	89,381	45				2,758	2,758		92,184	92,139	45
JUDICIAL	50,290	47,480	2,810				21,178	18,828	2,350	71,468	66,308	5,160
GENERAL GOV'T	134,832	143,117	-8,285	31,063	31,063		775,056	773,233	1,823	940,951	947,413	-6,462
HUMAN RESOURCES	2889,509	2869,548	19,961	2196,356	2223,174	-26,818	404,284	393,727	10,557	5490,149	5486,449	3,700
NAT RESOURCES	239,458	232,325	7,133	73,166	92,166	-19,000	283,490	278,149	5,341	596,114	602,640	-6,526
TRANSPORTATION	41,447	38,889	2,558	7,333	7,342	-9	795,754	805,916	-10,162	844,533	852,146	-7,613
TOTAL EDUCATION	6499,915	6428,125	71,790	296,703	296,703		1128,321	1128,321		7924,939	7853,149	71,790
PUBLIC SCHOOLS	4819,806	4746,969	72,837	287,965	287,965		68,947	68,947		5176,718	5103,881	72,837
COMMUNITY COLL	530,902	531,174	-272				65,013	65,013		595,915	596,187	-272
HIGHER ED	1081,795	1082,550	-755				978,588	978,588		2060,383	2061,138	-755
OTHER EDUCATION	67,412	67,432	-20	8,738	8,738		15,773	15,773		91,923	91,943	-20
SPECIAL APPROPS	373,071	341,973	31,098	17,904	13,576	4,328	1387,101	1371,095	16,006	1778,076	1726,644	51,432
ST OF WA TOTAL	10317,947	10190,838	127,109	2622,525	2664,024	-41,499	4797,942	4772,027	25,916	17738,414	17626,888	111,526

OCT 87 AMOUNTS INCLUDE BUDGETS AUTHORIZED IN THE 1987 REGULAR SESSION AND THE AUGUST AND OCTOBER 1987 SPECIAL SESSIONS
MAR 88 AMOUNTS INCLUDE OCT 87 AMOUNTS AND BUDGETS AUTHORIZED IN THE 1988 REGULAR SESSION
BILLS CITED ON PAGES 2 THROUGH 10 WERE PASSED BY THE LEGISLATURE IN THE 1988 REGULAR SESSION

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WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 APPROPS (THRU 3/88) VS. 1987-89 APPROPS (THRU 10/87)
TOTAL LEGISLATIVE & JUDICIAL
DOLLARS IN THOUSANDS

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	----GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			-----TOTAL ALL FUNDS-----		
	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF
LEGISLATIVE TOT	89,426	89,381	45				2,758	2,758		92,184	92,139	45
HOUSE OF REPS	44,399	44,399								44,399	44,399	
SENATE (1)	29,691	29,681	10							29,691	29,681	10
LEG BUDGET COMM	1,880	1,880								1,880	1,880	
LEG TRANSP COMM							2,309	2,309		2,309	2,309	
LEAP COMM	2,538	2,503	35							2,538	2,503	35
STATE ACTUARY (2)												
LEG SYS COMM (3)	5,524	5,524								5,524	5,524	
STATUTE LAW	5,394	5,394					449	449		5,843	5,843	
JUDICIAL TOT	50,290	47,480	2,810				21,178	18,828	2,350	71,468	66,308	5,160
SUPREME COURT	10,924	10,678	246							10,924	10,678	246
LAW LIBRARY	2,574	2,574								2,574	2,574	
CT OF APPEALS	12,458	12,013	445							12,458	12,013	445
JUDICIAL COND	477	477								477	477	
COURT ADMIN	23,857	21,738	2,119				21,178	18,828	2,350	45,035	40,566	4,469
TOT LEG & JUD	139,716	136,861	2,855				23,936	21,586	2,350	163,652	158,447	5,205

- (1) ESSB 6124 CREATES THE RURAL HEALTH CARE COMMISSION AND DIRECTS THE SENATE TO AUTHORIZE EXPENDITURE OF \$10 THOUSAND GENERAL FUND STATE APPROP BY THE COMMISSION
- (2) 1987-89 FUNDING FOR THE STATE ACTUARY IS INCLUDED IN THE DEPARTMENT OF RETIREMENT SYSTEMS
- (3) OFM TREATS THE 1987-89 APPROP FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE AS A REVENUE DEDUCT

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 APPROPS (THRU 3/88) VS. 1987-89 APPROPS (THRU 10/87)
TOTAL GENERAL GOVERNMENT
DOLLARS IN THOUSANDS

	----GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			-----TOTAL ALL FUNDS-----		
	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF
OFFICE OF GOV (1)	9,890	9,890		23,062	23,062		1,300		1,300	34,252	32,952	1,300
LT GOVERNOR	363	363								363	363	
PUB DISCLOSURE	1,229	1,229								1,229	1,229	
SECRETARY STATE	6,481	6,398	83				2,531	2,531		9,012	8,929	83
INDIAN AFFAIRS	241	241								241	241	
ASIAN-AM AFFRS	285	285								285	285	
STATE TREASURER							9,125	9,125		9,125	9,125	
STATE AUDITOR	832	832					24,379	24,379		25,211	25,211	
SAL ELEC OFFLS	63	63								63	63	
ATTORNEY GEN	5,143	5,143					48,478	48,478		53,621	53,621	
OFM (2)	20,412	28,751	-8,339	1,229	1,229		4,534	4,454	80	26,175	34,434	-8,259
ECON DEV BD	666	666					100	100		766	766	
ADMIN HEARINGS							8,752	8,752		8,752	8,752	
DEPT PERSONNEL							21,447	21,407	40	21,447	21,407	40
DEFERRED COMP	354	354					853	853		1,207	1,207	
STATE LOTTERY							246,007	246,007		246,007	246,007	
GAMBLING COMM							8,277	8,277		8,277	8,277	
HISPANIC AFFRS	280	280								280	280	
PERS APPLS BD							807	807		807	807	
RETIREMENT SYST (3)							20,666	20,666		20,666	20,666	
INVESTMENT BD (4)							1,836	1,736	100	1,836	1,736	100
DEPT REVENUE	63,667	63,667					4,443	4,443		68,110	68,110	
BD OF TAX APPLS	1,214	1,214								1,214	1,214	
MUNI RESEARCH	2,104	2,104								2,104	2,104	
UNIFORM LEGIS	36	36								36	36	
MINORITY/WOMEN	1,937	1,937								1,937	1,937	
GENERAL ADMIN (5)	8,278	8,312	-34	1,623	1,623		80,736	80,433	303	90,637	90,368	269
DEPT INFO SVCS (5)							163,303	163,303		163,303	163,303	
PRES ELECTORS	1	1								1	1	
INSURANCE COMMR							10,205	10,205		10,205	10,205	
ACCOUNTANCY BD	415	415					571	571		986	986	
DEATH INVESTIG							5	5		5	5	
BOXING COMM	105	105								105	105	
HORSE RACING							4,233	4,233		4,233	4,233	
LIQ CONTROL BD							87,777	87,777		87,777	87,777	
PHARMACY BOARD (6)	1,348	1,343	5							1,348	1,343	5
UTC							24,458	24,458		24,458	24,458	
VOL FIREFIGHTER							233	233		233	233	
MILITARY DEPT	7,769	7,769		5,149	5,149					12,918	12,918	
EMPL RELATIONS	1,719	1,719								1,719	1,719	
TOTAL GEN GOV'T	134,832	143,117	-8,285	31,063	31,063		775,056	773,233	1,823	940,951	947,413	-6,462

(1) THE OFFICE OF THE GOVERNOR INCLUDES CVE AND ESHB 2038 APPROP OF \$1,300 THOUSAND OTHER FUNDS FOR 1987-89
(2) OFM INCLUDES THE EVERETT HOMEPORT AND ESHB 1701 APPROP OF \$95 THOUSAND (\$15 THOUSAND GFS) FOR 1987-89
(3) 1987-89 FUNDING FOR THE STATE ACTUARY IS INCLUDED IN THE DEPARTMENT OF RETIREMENT SYSTEMS
(4) INVESTMENT BOARD INCLUDES SB 6297 APPROP OF \$100 THOUSAND OTHER FUNDS FOR 1987-89
(5) DIS INCLUDES: DPA; TELECOMMUNICATIONS, WDPSC1, AND PART OF CENTRAL STORES FROM GA; & WDPSC3 FROM DOL FOR 1987-89
(6) PHARMACY BOARD INCLUDES SSB 6470 APPROP OF \$5 THOUSAND GENERAL FUND STATE FOR 1987-89
NOTE: CEMETERY BOARD IS INCLUDED IN THE DEPARTMENT OF LICENSING FOR 1987-89 PER CH. 331, SEC. 82 WASHINGTON LAWS 1987
DEPT OF EMERGENCY MANAGEMENT IS INCLUDED IN DCD FOR 1987-89 PER CH. 266, SEC. 22 WASHINGTON LAWS 1986

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WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 APPROPS (THRU 3/88) VS. 1987-89 APPROPS (THRU 10/87)
TOTAL HUMAN RESOURCES
DOLLARS IN THOUSANDS

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	----GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			-----TOTAL ALL FUNDS-----		
	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF
DCD (1)	34,409	32,807	1,602	143,389	143,939	-550	19,419	17,419	2,000	197,217	194,165	3,052
HUMAN RIGHTS	3,258	3,199	59	964	964					4,222	4,163	59
IND INS APP BD							12,206	12,206		12,206	12,206	
CRIM JUST TRNG							7,898	7,898		7,898	7,898	
L & I (2)	8,329	8,486	-157				192,062	191,608	454	200,391	200,094	297
IND SENT REV	3,804	4,042	-238							3,804	4,042	-238
DSHS	2441,192	2423,644	17,548	1896,174	1922,442	-26,268	13,006	11,464	1,542	4350,372	4357,550	-7,178
VETERAN AFFAIRS	17,769	17,889	-120	4,690	4,690		6,167	6,167		28,626	28,746	-120
CORRECTIONS	355,437	349,658	5,779				417	317	100	355,854	349,975	5,879
BLIND SERVICES	2,357	2,357		4,862	4,862		684	684		7,903	7,903	
CORR STANDARDS (3)	185	185		20	20					205	205	
HOSPITAL COMM	1,948	1,948					1,420	1,420		3,368	3,368	
WA BASIC HEALTH (4)	14,609	19,109	-4,500							14,609	19,109	-4,500
SNTC GUIDELINES	513	525	-12							513	525	-12
EMPLOY SECURITY (5)	5,700	5,700		146,257	146,257		151,005	144,544	6,461	302,962	296,501	6,461
HUMAN RESOURCES	2889,509	2869,548	19,961	2196,356	2223,174	-26,818	404,284	393,727	10,557	5490,149	5486,449	3,700

(1) DCD INCLUDES THE DEPARTMENT OF EMERGENCY MANAGEMENT AND SHB 1389 APPROP OF \$10 THOUSAND GENERAL FUND STATE FOR 1987-89

(2) DEPT OF LABOR & INDUSTRIES INCLUDES SHB 1170 APPROP OF \$100 THOUSAND OTHER FUNDS FOR 1987-89

(3) CORRECTIONS STANDARDS BOARD TERMINATED IN 1987-89

(4) NEW AGENCY IN 1987-89

(5) DEPT OF EMPLOYMENT SECURITY INCLUDES ESHB 1835 APPROP OF \$1240 THOUSAND OTHER FUNDS AND SSB 6548 APPROP OF \$1706 THOUSAND OTHER FUNDS FOR 1987-89

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 APPROPS (THRU 3/88) VS. 1987-89 APPROPS (THRU 10/87)
DEPT SOCIAL & HEALTH SVCS
DOLLARS IN THOUSANDS

	----GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			-----TOTAL ALL FUNDS-----		
	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF
CHILD/YOUTH/FAM	180,288	165,009	15,279	59,847	58,552	1,295	400		400	240,535	223,561	16,974
JUVENILE REHAB	73,920	75,161	-1,241	968	968					74,888	76,129	-1,241
MENTAL HEALTH	267,706	272,576	-4,870	51,693	51,086	607	1,580	1,580		320,979	325,242	-4,263
DEV DISABILITY	183,337	183,667	-330	165,087	158,628	6,459				348,424	342,295	6,129
LONG TERM CARE (*)	337,925	330,946	6,979	339,370	334,686	4,684				677,295	665,632	11,663
INCOME ASSIST	454,658	465,361	-10,703	405,514	442,371	-36,857				860,172	907,732	-47,560
COMM SOC SVCS	61,180	62,580	-1,400	16,866	16,866		166	166		78,212	79,612	-1,400
MEDICAL ASSIST	540,548	528,288	12,260	473,933	481,926	-7,993				1014,481	1010,214	4,267
PUBLIC HEALTH	63,001	58,177	4,824	75,132	73,551	1,581	9,877	8,735	1,142	148,010	140,463	7,547
VOC REHAB	12,783	13,583	-800	36,110	32,654	3,456				48,893	46,237	2,656
ADMIN & SUPPORT	43,630	46,280	-2,650	32,044	32,044		78	78		75,752	78,402	-2,650
COMM SVCS ADMIN	156,770	156,570	200	174,530	174,030	500	705	705		332,005	331,305	700
REVENUE COLLECT	26,217	26,217		51,135	51,135		200	200		77,552	77,552	
OTHR AGY PYMTS	28,259	28,259		13,945	13,945					42,204	42,204	
SUNDRY CLAIMS	10,970	10,970								10,970	10,970	
DSHS	2441,192	2423,644	17,548	1896,174	1922,442	-26,268	13,006	11,464	1,542	4350,372	4357,550	-7,178

(*) LONG TERM CARE INCLUDES SB 6271 APPROP OF \$38.9 THOUSAND GENERAL FUND STATE FOR 1987-89

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 APPROPS (THRU 3/88) VS. 1987-89 APPROPS (THRU 10/87)
TOTAL NATURAL RESOURCES
DOLLARS IN THOUSANDS

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Comparative Information

	----GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			-----TOTAL ALL FUNDS-----		
	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF
ENERGY OFFICE	1,874	1,874		16,528	16,528		1,575	1,525	50	19,977	19,927	50
WA CENTENNIAL	7,377	7,377					2,540	2,540		9,917	9,917	
COLUMBIA RIVER	509	463	46				468	468		977	931	46
DEPT ECOLOGY	51,886	51,666	220	40,846	59,846	-19,000	64,126	62,254	1,872	156,858	173,766	-16,908
EFSEC				57	57		2,726	2,726		2,783	2,783	
PARKS & REC	35,308	35,258	50	999	999		11,942	11,942		48,249	48,199	50
OUTDOOR REC							1,746	1,746		1,746	1,746	
ENVIR HEARINGS	842	842								842	842	
TRADE/ECON DEV (1)	23,878	23,650	228				1,602	1,602		25,480	25,252	228
CONSERVATION	602	602					78		78	680	602	78
WINTER REC (2)	27	27								27	27	
PSWQA	2,910	2,910					1,100	1,100		4,010	4,010	
DEPT FISHERIES	47,595	47,465	130	14,057	14,057		4,076	4,076		65,728	65,598	130
DEPT WILDLIFE (3)	8,000	8,000					55,622	55,288	334	63,622	63,288	334
DEPT NAT RES (4)	42,577	36,170	6,407	78	78		98,860	95,853	3,007	141,515	132,101	9,414
DEPT AGRICULT	16,073	16,021	52	601	601		27,709	27,709		44,383	44,331	52
CONVENTION CTR							9,320	9,320		9,320	9,320	
TOT NATURAL RES	239,458	232,325	7,133	73,166	92,166	-19,000	283,490	278,149	5,341	596,114	602,640	-6,526

(1) DEPT OF TRADE AND ECONOMIC DEVELOPMENT INCLUDES ESHB 1835 APPROP OF \$228 THOUSAND GENERAL FUND STATE FOR 1987-89

(2) AGENCY RE-ESTABLISHED IN 1987-89

(3) FORMERLY THE DEPARTMENT OF GAME

(4) DEPT OF NATURAL RESOURCES INCLUDES EHB 1346 APPROP OF \$2.8 THOUSAND GENERAL FUND STATE FOR 1987-89

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 APPROPS (THRU 3/88) VS. 1987-89 APPROPS (THRU 10/87)
TOTAL TRANSPORTATION
DOLLARS IN THOUSANDS

	----GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			-----TOTAL ALL FUNDS-----		
	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF
PILOTAGE BOARD							102	102		102	102	
STATE PATROL	24,757	22,389	2,368	2,974	2,974		138,936	140,559	-1,623	166,667	165,922	745
TRAFFIC SAFETY							4,501	4,501		4,501	4,501	
DEPT LICENSING (1)	16,102	15,906	196				122,001	121,371	631	138,104	137,277	827
DEPT TRANSP (2)	586	592	-6	4,359	4,368	-9	444,837	454,370	-9,533	449,781	459,330	-9,549
COUNTY ROADS							22,376	22,376		22,376	22,376	
URBAN ARTERIALS							61,487	61,487		61,487	61,487	
MARINE EMP COMM							358	358		358	358	
RAIL DEVELOPMNT (3)							664	300	364	664	300	364
TRANSP COMM	2	2					492	492		494	494	
TOTAL TRANSP	41,447	38,889	2,558	7,333	7,342	-9	795,754	805,916	-10,162	844,533	852,146	-7,613

- (1) WASHINGTON DATA PROCESSING SERVICE CENTER #3 TRANSFERRED TO DEPARTMENT OF INFORMATION SERVICES IN 1987-89; DEPARTMENT OF LICENSING INCLUDES THE CEMETERY BOARD FOR 1987-89 PER CH. 331, SEC. 82 WASHINGTON LAWS 1987; DEPARTMENT OF LICENSING ALSO INCLUDES ESHB 1530 APPROP OF \$100 THOUSAND OTHER FUNDS, SHB 1701 APPROP OF \$383.6 THOUSAND OTHER FUNDS, AND SSB 6470 APPROP OF \$39 THOUSAND OTHER FUNDS FOR 1987-89
- (2) DEPARTMENT OF TRANSPORTATION INCLUDES SHB 1701 ADJUSTMENT OF -\$6.4 THOUSAND GENERAL FUND STATE, -\$8.9 THOUSAND GENERAL FUND FEDERAL, AND -\$9,533.3 THOUSAND OTHER FUNDS FOR 1987-89
- (3) NEW AGENCY IN 1987-89; RAIL DEVELOPMENT COMMISSION INCLUDES SHB 1701 APPROP \$363.9 THOUSAND OTHER FUNDS

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 APPROPS (THRU 3/88) VS. 1987-89 APPROPS (THRU 10/87)
TOTAL EDUCATION
DOLLARS IN THOUSANDS

10:23
04/06/88

Comparative Information

	----GENERAL FUND STATE----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			-----TOTAL ALL FUNDS-----		
	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF
PUBLIC SCHOOLS	4819,806	4746,969	72,837	287,965	287,965		68,947	68,947		5176,718	5103,881	72,837
COMM COLLEGES	530,902	531,174	-272				65,013	65,013		595,915	596,187	-272
HIGHER ED TOTAL	1081,795	1082,550	-755				978,588	978,588		2060,283	2061,138	-755
UW	516,089	516,799	-710				817,119	817,119		1333,208	1333,918	-710
WSU (1)	287,444	287,150	294				130,594	130,594		418,038	417,744	294
EWU	81,559	81,688	-129				7,945	7,945		89,504	89,633	-129
CWU	68,962	68,969	-7				11,468	11,468		80,430	80,437	-7
TESC	40,260	40,269	-9				3,263	3,263		43,523	43,532	-9
WWU (2)	87,481	87,675	-194				8,199	8,199		95,680	95,874	-194
OTHER EDUCATION	67,412	67,432	-20	8,738	8,738		15,773	15,773		91,923	91,943	-20
COMPACT FOR ED	85	85								85	85	
HI ED COORD BD	52,344	52,364	-20	3,471	3,471		40	40		55,855	55,875	-20
HEP BOARD							1,947	1,947		1,947	1,947	
STATE LIBRARY	9,280	9,280		4,399	4,399		13,190	13,190		26,869	26,869	
ARTS COMMISSION	3,409	3,409		780	780					4,189	4,189	
WA HIST SOCIETY	863	863					403	403		1,266	1,266	
E WA HIST SOC	685	685		88	88		76	76		849	849	
CAP HIST ASSN	746	746					117	117		863	863	
TOTAL EDUCATION	6499,915	6428,125	71,790	296,703	296,703		1128,321	1128,321		7924,939	7853,149	71,790

(1) WASHINGTON STATE UNIVERSITY INCLUDES ESHB 1835 APPROP OF \$292 THOUSAND GENERAL FUND STATE FOR 1987-89

(2) WESTERN WASHINGTON UNIVERSITY INCLUDES 2SHB 1640 APPROP OF \$250 THOUSAND GENERAL FUND STATE FOR 1987-89

NOTE: COMMISSION FOR VOCATIONAL EDUCATION IS INCLUDED IN OFFICE OF THE GOVERNOR FOR 1987-89

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 APPROPS (THRU 3/88) VS. 1987-89 APPROPS (THRU 10/87)
PUBLIC SCHOOLS
DOLLARS IN THOUSANDS

	----GENERAL FUND STATE-----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			-----TOTAL ALL FUNDS-----		
	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF
SPI OFFICE	17,700	17,800	-100	10,683	10,683		456	456		28,839	28,939	-100
GEN APPORTION	3860,763	3815,863	44,900				55,100	55,100		3915,863	3870,963	44,900
TRANSPORTATION	227,757	221,479	6,278							227,757	221,479	6,278
VOC-TECH INSTS	76,997	76,857	140							76,997	76,857	140
FOOD SERVICES	6,000	6,000		68,154	68,154					74,154	74,154	
HANDICAPPED	440,489	419,767	20,722	45,318	45,318					485,807	465,085	20,722
TRAFFIC SAFETY							13,391	13,391		13,391	13,391	
EDUC SVC DIST	10,209	10,192	17							10,209	10,192	17
ECIA				120,554	120,554					120,554	120,554	
INDIAN ED				290	290					290	290	
INST EDUCATION	22,202	20,722	1,480	7,034	7,034					29,236	27,756	1,480
ADULT BASIC ED				3,022	3,022					3,022	3,022	
HIGHLY CAPABLE	5,421	5,393	28							5,421	5,393	28
DIST SUPPORT	3,375	3,375		4,677	4,677					8,052	8,052	
SPEC & PILOT	13,808	13,434	374	4,000	4,000					17,808	17,434	374
FED ENCUMBRANCE				24,085	24,085					24,085	24,085	
TRANS BILINGUAL	12,673	11,667	1,006							12,673	11,667	1,006
REMEDATION	51,222	49,706	1,516							51,222	49,706	1,516
ED CLINICS	3,400	3,400								3,400	3,400	
TRS CONTRIBS (1)	2,934	2,000	934							2,934	2,000	934
BLND/DEF	14,814	14,814		148	148					14,962	14,962	
ED ENHANCMT (2)	45,042	49,500	-4,458							45,042	49,500	-4,458
LOC EFT ASST (2)	5,000	5,000								5,000	5,000	
PUBLIC SCHOOLS	4819,806	4746,969	72,837	287,965	287,965		68,947	68,947		5176,718	5103,881	72,837

(1) CONTRIBUTIONS FOR 1987-89 REFLECTED IN OTHER PROGRAMS EXCEPT TRS PORTABILITY; TRS PORTABILITY PREVIOUSLY SHOWN IN SPECIAL APPROPS TO THE GOVERNOR
(2) NEW PROGRAM IN 1987-89

Comparative Information

LEAP OFFICE
PAGE 10 OF 10

WASHINGTON STATE OPERATING BUDGET COMPARISONS
1987-89 APPROPS (THRU 3/88) VS. 1987-89 APPROPS (THRU 10/87)
TOTAL SPECIAL APPROPS
DOLLARS IN THOUSANDS

10:23
04/06/88

	----GENERAL FUND STATE-----			--GENERAL FUND FEDERAL---			-----ALL OTHER FUNDS-----			-----TOTAL ALL FUNDS-----		
	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF	MAR 88	OCT 87	\$ DIFF
ST REV FOR DIST	276,751	270,661	6,090				417,330	411,722	5,608	694,081	682,383	11,698
FED REV DIST				374	374		58,475	58,475		58,849	58,849	
BOND RETIREMENT							750,289	749,651	638	750,289	749,651	638
GOV SP APPROPS	12,104	12,104		3,557	3,557		4,342	4,342		20,003	20,003	
BELATED CLAIMS	1,125	1,125								1,125	1,125	
SUNDRY CLAIMS	238	238					20	20		257	257	
COMP INCREASES (1)	70,853	45,845	25,008	13,973	9,645	4,328	46,935	36,835	10,100	131,761	92,325	39,436
RETIRE CONTRIB (2)	12,000	12,000					109,711	110,051	-340	121,711	122,051	-340
TOT SP APPROPS	373,071	341,973	31,098	17,904	13,576	4,328	1387,101	1371,095	16,006	1778,076	1726,644	51,432

(1) COMPENSATION INCREASES TO BE DISTRIBUTED TO AGENCIES FOR LEGISLATIVELY APPROVED SALARY AND COMPARABLE WORTH INCREASES AS ADDITIONAL SPENDING AUTHORITY; FUND 406-6 IS EXCLUDED

(2) TRS PORTABILITY IS INCLUDED IN PUBLIC SCHOOLS RETIREMENT CONTRIBUTIONS

NOTE: TREASURER TRANSFERS ARE TREATED AS ADJUSTMENTS TO REVENUE

1988 Supplemental Capital Budget

March 28, 1988

Agency/Description	Fund	1987-89 Supplemental Appropriation (in thousands)
Department of Community Development		
Tacoma Union Station	057 St Bldg Constr Acct	2,900
Development Loan Fund	057 St Bldg Constr Acct	1,000
Columbia County Court House	057 St Bldg Constr Acct	400
Department of General Administration		
Capitol Building Remodeling	036 Cap Bldg Constr Acct	1,100
Department of Social And Health Services		
Emergency small works	057 St Bldg Constr Acct	294
Drought Relief: Ref 27 and Ref 38	072 LIR Acct Wtr Supply Facs	3,200
Capital repairs-utilities	057 St Bldg Constr Acct	1,058
Capital repairs-hazardous material	057 St Bldg Constr Acct	977
Eastern State Hospital day care	074 LIRA-DSHS Facs	40
Department of Corrections		
Tacoma work training release fac	057 St Bldg Constr Acct	4,462
Eastern Washington pre-release	057 St Bldg Constr Acct	1,011
Purdy Center	057 St Bldg Constr Acct	615
McNeil Island EIS & Plan	057 St Bldg Constr Acct	621
McNeil, Purdy, & Tacoma release facs.	057 St Bldg Constr Acct	(10,265)
State Board of Education		
Common School Construction	113 Comm Sch Constr	77,330
State School For Blind		
Reroof Erwin Building	057 St Bldg Constr Acct	140
University of Washington		
Safety Projects-asbestos	064 UW Bldg Acct	1,000
H Wing Addition	064 UW Bldg Acct	3,500
Science & Engineering Plan	064 UW Bldg Acct	1,000
Power Plant Coal Conversion	064 UW Bldg Acct	2,300
Power Plant Stack Remove	064 UW Bldg Acct	1,500
Washington State University		
Fine Arts Ventilation	062 WSU Bldg Acct	3,119
Spokane Technical Institute	057 St Bldg Constr Acct	800
Western Washington University		
Safety Projects-asbestos	057 St Bldg Constr Acct	900
St. Board For Comm. College Ed		
Clark College education center	057 St Bldg Constr Acct	1,800
Everett Child Care Center	057 St Bldg Constr Acct	770
Department of Ecology		
Ref 39 Administration	051 LIR-Acct-Waste Disp Facs	(480)
Emergency Water Project	032 St Emerg Water Proj Rev	(37)
Ref 27 Administration	072 LIR Acct Water Supply Facs	(40)

Capital Budget

Agency/Description	Fund	1987-89 Supplemental Appropriation (in thousands)
The Conservation Commission		
Water Quality Administration	139 St Water Quality Acct	(78)
The Department of Natural Resources		
Area Office Space	041 Res Mng Cost Acct	12
Milwaukie Roadway	057 St Bldg Constr Acct	(785)
Hawks Prairie Sewer	041 Res Mng Cost Acct	200
Quinalt Water System	057 St Bldg Constr Acct (\$12)	(25)
	041 Res Mng Cost Acct (\$8)	
	014 Forest Dev Acct (\$5)	
Department of Wildlife		
Aberdeen Fish Hatchery	110 Special Wildlife Acct	819
Parks & Recreation Commission		
Ft Warden Park	057 St Bldg Constr Acct	750
Larrabee Park-Clayton Beach	057 St Bldg Constr Acct	1,600
Ft Casey-Keystone Spit	057 St Bldg Constr Acct (\$415)	500
	070-1 Outdoor Rec Acct St (\$86)	
Hood Canal parking	057 St Bldg Constr Acct	50
Belfair Park	057 St Bldg Constr Acct	50
Puget Sound Boat Access	070-1 Outdoor Rec Acct St	(35)
Trade And Economic Development		
Yakima Ag Trade Complex	057 St Bldg Constr Acct	2,000
Total Supplemental Budget		106,073

1988 Supplemental Transportation Budget

	AGENCY TOTALS		L.T.C	
	SHB 1701		3/9/88	
AGENCY	1987-89 BUDGET	GOVERNOR'S SUPPLEMENTAL	HOUSE VERSION	FINAL VERSION
DEPARTMENT OF LICENSING	101,461,499	0	345,912	421,745
WASHINGTON STATE PATROL - OPERATING	138,765,629	0	150,000	0
WASHINGTON STATE PATROL - CAPITAL	14,552,000	2,680,000	(4,820,000)	(6,094,000)
COUNTY ROAD ADMINISTRATION BOARD	22,376,339	0	0	0
URBAN ARTERIAL BOARD	61,487,000	0	0	0
BOARD OF PILOTAGE COMMISSIONERS	101,533	0	0	0
TRAFFIC SAFETY COMMISSION	4,501,023	0	0	0
LEGISLATIVE TRANSPORTATION COMMITTEE	2,209,000	0	0	0
TRANSPORTATION COMMISSION	494,096	0	0	0
DEPARTMENT OF TRANSPORTATION	1,629,823,034	12,079,735	(8,632,329)	(40,143,608)
RAIL DEVELOPMENT COMMISSION	300,000	283,900	338,900	363,900
MARINE EMPLOYEES COMMISSION	358,000	0	0	0
OFFICE OF FINANCIAL MNGMNT.	0	95,000	345,000	345,000
	1,976,429,153	15,138,635	(12,272,517)	(45,106,963)

FUNDS AND ACCOUNTS SUMMARY
SHB 1701

L.T.C
3/9/88

FUNDS AND ACCOUNTS	1987-89 BUDGET	GOVERNOR'S SUPPLEMENTAL	HOUSE SUPPLEMENTAL	FINAL VERSION SUPPLEMENTAL
RAIL DEVE. ACCT.	300,000	283,900	338,900	363,900
MOTOR VEHICLE FUND-STATE	630,532,152	855,000	(19,476,251)	(19,876,251)
MOTOR VEHICLE FUND-FED/LOC	812,480,262	6,000,000	5,634,457	(17,254,058)
PUBLIC SAFETY & ED. ACCT.	3,352,618	1,855,000	2,105,000	2,105,000
HIGHWAY SAFETY FUND-STATE	42,782,114	0	0	75,833
HIGHWAY SAFETY FUND-FED	4,190,574	0	0	0
MOTORCYCLE SAFETY ED. ACCT.	265,014	0	345,912	345,912
AERONAUTICS ACCT-ST/LOC	3,065,918	190,000	190,000	190,000
AERONAUTICS ACCT-FED	0	39,735	39,735	39,735
SEARCH & RESCUE	110,000	0	0	0
GENERAL FUND-STATE	593,543	0	(6,414)	8,586
GENERAL FUND-FED/LOC	4,555,602	0	(8,857)	(8,857)
PUGET SND. CAPITAL CONST.-ST	73,991,906	5,000,000	5,000,000	5,250,000
PUGET SND. CAPITAL CONST.-FED	0	0	0	0
PUGET SND. FERRY OPERATIONS	46,478,031	0	0	(741,829)
FERRY SYSTEM FUND	108,448,740	0	0	(1,730,934)
STATE PATROL HWY ACCT-STATE	150,121,409	915,000	(6,435,000)	(7,874,000)
STATE PATROL HWY ACCT-FED/LOC	2,733,175	0	0	0
PILOTAGE ACCT.	101,533	0	0	0
STATE GAME	405,264	0	0	0
RURAL ARTERIAL	21,434,298	0	0	0
URBAN ARTERIAL	61,487,000	0	0	0
ECONOMIC DEVELOP. ACCT.	9,000,000	0	0	(6,000,000)
	1,976,429,153	15,138,635	(12,272,518)	(45,106,963)

FINAL VERSION
MARCH 9, 1988

1987-89 SUPPLEMENTAL TRANSPORTATION BUDGET
SHB 1701

AGENCY FUND	1987-89 FINAL BUDGET	GOVERNOR'S SUPPLEMENTAL	HOUSE VERSION	FINAL VERSION	DIFFERENCE FINAL VS. HOUSE	COMMENTS
RAIL DEVELOPMENT COMMISSION						
RAIL DEVELOPMENT ACCT	300,000	283,900	338,900	363,900	25,000	GOVERNOR ACTIONS: ADDS \$283,900 FOR ADMINISTRATION AND CONSULTING CONTRACTS
TOTAL	300,000	283,900	338,900	363,900	25,000	HOUSE ACTIONS: \$55,000 STATE SHARE FOR STUDY OF FEASIBILITY OF COMMUTER RAIL DEMONSTRATION PROJECT IN SOUTH CORRIDOR OF CENTRAL PUGET SOUND SENATE ACTIONS: ADDS \$25,000 FOR UMTA FUND MATCH
WASHINGTON STATE PATROL -FIELD OPERATIONS						
HIGHWAY ACCOUNT-STATE	94,005,256	0	150,000	0	(150,000)	
HIGHWAY ACCOUNT-FEDERAL	2,733,175	0	0	0	0	HOUSE ACTIONS: ADDS \$150,000 FOR INVESTIGATION TEAM PROVIDED HB 1860 PASSES.
HIGHWAY ACCOUNT-PRIVATE LOCAL	0	0	0	0	0	
MOTOR VEHICLE FUND-STATE	463,045	0	0	0	0	
TOTAL	97,201,476	0	150,000	0	(150,000)	SENATE ACTIONS: ELIMINATES \$150,000 FOR STAFFING OF COMMERCIAL VEHICLE ENFORCEMENT
DEPARTMENT OF LICENSING-DRIVER SERVICES						
PUBLIC SAFETY ED. ACCT.	3,352,618	0	0	0	0	HOUSE ACTIONS: APPROPRIATES \$2 ENDORSEMENT FEE INCREASE PASSED LAST YEAR BUT NOT APPROPRIATED.
HIGHWAY SAFETY FUND-STATE	30,942,064	0	0	75,833	75,833	
MOTORCYCLE SAFETY ACCOUNT	265,014	0	345,912	345,912	0	
TOTAL	34,559,696	0	345,912	421,745	75,833	SENATE FLOOR ACTIONS: ADDS \$75,833 FOR ESHB 6410 AND HB 1482

1987-89 SUPPLEMENTAL TRANSPORTATION BUDGET
SHB 1701

FINAL VERSION
MARCH 9, 1988

AGENCY FUND	1987-89 FINAL BUDGET	GOVERNOR'S SUPPLEMENTAL	HOUSE VERSION	FINAL VERSION	DIFFERENCE FINAL VS. HOUSE	COMMENTS
DEPARTMENT OF TRANSPORTATION						
HIGHWAY CONSTRUCTION - PROGRAM B						
MOTOR VEHICLE FUND - ST.	57,000,000	0	0	0	0	
MOTOR VEHICLE FUND - LOC.	513,000,000	0	0	(12,000,000)	(12,000,000)	SENATE ACTIONS:
TOTAL	570,000,000	0	0	(12,000,000)	(12,000,000)	\$12 M REDUCTION DUE TO DECREASED FEDERAL OBLIGATION AUTHORITY
DEPARTMENT OF TRANSPORTATION						
HIGHWAY CONSTRUCTION - PROGRAM C						
MOTOR VEHICLE FUND - ST.	106,000,000	455,000	(12,545,000)	(12,545,000)	0	GOVERNOR ACTIONS:
MOTOR VEHICLE FUND - LOC.	2,000,000	0	0	0	0	INCLUDES \$455,000 INCREASE FOR LOOP RAMP
TOTAL	108,000,000	455,000	(12,545,000)	(12,545,000)	0	HOUSE ACTIONS: REDUCES CAT C BY \$13 MILLION
SENATE ACTIONS:						
PROVISOS REQUIRE THE D.O.T. TO ENSURE AN ENDING BALANCE IN CAT C ADEQUATE TO COVER PROJECTED A&H SHORTFALLS NEXT BIENNIUM (NOW ESTIMATED AT \$36 M)						
DEPARTMENT OF TRANSPORTATION						
CONSTRUCTION MGMT. & SUPPORT - PROGRAM D						
MOTOR VEHICLE FUND-STATE	35,168,228	0	(302,006)	(302,006)	0	
ENERGY ACCOUNT	0	0	0	0	0	PERS REDUCTIONS
TOTAL	35,168,228	0	(302,006)	(302,006)	0	

FINAL VERSION
MARCH 9, 1988

1987-89 SUPPLEMENTAL TRANSPORTATION BUDGET
SHB 1701

AGENCY FUND	1987-89 FINAL BUDGET	GOVERNOR'S SUPPLEMENTAL	HOUSE VERSION	FINAL VERSION	DIFFERENCE FINAL VS. HOUSE	COMMENTS
DEPARTMENT OF TRANSPORTATION						
AERONAUTICS - PROGRAM F						
AERONAUTICS ACCT. - ST.	2,192,803	185,000	185,000	185,000	0	GOVERNOR ACTIONS: INCLUDES \$185,000 FOR LOCAL AID GRANTS,
AERONAUTICS ACCT. - FED.	862,725	39,735	39,735	39,735	0	EMERGENCY AIRFIELD AT LESTER, STATE AIRPORT PLAN AND COMPUTER SYSTEMS.
TOTAL	3,055,528	224,735	224,735	224,735	0	
DEPARTMENT OF TRANSPORTATION						
ECONOMIC TRAFFIC IMP. - PROGRAM G						
ECON. DEV. ACCT.-STATE	9,000,000	0	0	(6,000,000)	(6,000,000)	SENATE ACTIONS: \$6 M REDUCTION BECAUSE CERB HAS NOT REQUESTED PROJECT MONIES AS EXPECTED
TOTAL	9,000,000	0	0	(6,000,000)	(6,000,000)	
DEPARTMENT OF TRANSPORTATION						
BRIDGE REPLACEMENT - PROGRAM H						
MOTOR VEHICLE FUND-ST	23,000,000	0	0	(500,000)	(500,000)	SENATE ACTIONS: \$4.3 M REDUCTION DUE TO DELAY IN CONSTRUCTION OF QUEETS RIVER AND PALIX RIVER BRIDGES
MOTOR VEHICLE FUND-FED/LOC.	32,000,000	0	0	(3,800,000)	(3,800,000)	
TOTAL	55,000,000	0	0	(4,300,000)	(4,300,000)	
DEPARTMENT OF TRANSPORTATION						
MAINTENANCE - PROGRAM M						
MOTOR VEHICLE FUND - ST.	185,239,165	0	(4,710,251)	(4,710,251)	0	\$.5 MILLION SNOW AND ICE ELIMINATED, REDUCED RENTAL RATES, REDUCED DITCHING, PERS ADJUSTMENTS, SYSTEMS DEVEL. UNDERRUN, ETC.
TOTAL	185,239,165	0	(4,710,251)	(4,710,251)	0	

FINAL VERSION
MARCH 9, 1988

1987-89 SUPPLEMENTAL TRANSPORTATION BUDGET
SHB 1701

AGENCY FUND	1987-89 FINAL BUDGET	GOVERNOR'S SUPPLEMENTAL	HOUSE VERSION	FINAL VERSION	DIFFERENCE FINAL VS. HOUSE	COMMENTS
DEPARTMENT OF TRANSPORTATION						
HIGHWAY MANAGEMENT - PROGRAM P						
MOTOR VEHICLE FUND - ST.	15,875,977	400,000	179,474	179,474	0	GOVERNOR ACTIONS: \$400,000 INCREASE FOR INVENTORY TO BRING UP TO HISTORICAL LEVEL.
TOTAL	15,875,977	400,000	179,474	179,474	0	HOUSE ACTIONS: \$220,526 REDUCTION IN PERS CONTRIBUTIONS
DEPARTMENT OF TRANSPORTATION						
CITY/COUNTY PROGRAM - PROGRAM R						
MOTOR VEHICLE FUND - ST.	1,450,000	0	0	0	0	GOVERNOR ACTIONS:
MOTOR VEHICLE FUND - FED./LOC.	172,678,262	6,000,000	6,000,000	(1,088,515)	(7,088,515)	\$6 MILLION FEDERAL FUNDS APPROVED FOR EVERETT HOMEPORT DEFENSE ACCESS HIGHWAY.
TOTAL	174,128,262	6,000,000	6,000,000	(1,088,515)	(7,088,515)	SENATE COMMITTEE: \$7 M REDUCTION OF MVF-FED REQUIREMENTS FOR MT. ST. HELENS HWY AND REDUCTION OF \$88,515 FOR PERS CONTRIBUTION
DEPARTMENT OF TRANSPORTATION						
EXEC. MGMT. & MGMT. SERVICES - PROGRAM S						
AERONAUTICS ACCT. - ST.	9,371	0	0	0	0	HOUSE ACTIONS:
GENERAL FUND - ST.	15,194	0	0	0	0	PERS ADJUSTMENTS, ATTORNEY GENERAL AUGMENTATION,
PUGET SOUND CAP. CONST. ACCT. - ST.	217,442	0	0	0	0	SALARY REDUCTIONS, DATA PROCESSING REDUCTIONS, ET
PUGET SOUND FERRY OP. ACCT. - ST.	459,076	0	0	0	0	
FERRY SYSTEM FUND	1,071,178	0	0	0	0	SENATE ACTIONS:
MOTOR VEHICLE FUND - ST.	33,518,176	0	(2,006,758)	(1,906,758)	100,000	ADDS \$100,000 FOR L.T.C., L.E.A.P., AND D.O.T. SYSTEMS ENHANCEMENT
TOTAL	35,290,437	0	(2,006,758)	(1,906,758)	100,000	

FINAL VERSION
MARCH 9, 1988

1987-89 SUPPLEMENTAL TRANSPORTATION BUDGET
SHB 1701

AGENCY FUND	1987-89 FINAL BUDGET	GOVERNOR'S SUPPLEMENTAL	HOUSE VERSION	FINAL VERSION	DIFFERENCE FINAL VS. HOUSE	COMMENTS
DEPARTMENT OF TRANSPORTATION						
PLANNING & PUBLIC TRANS. - PROGRAM T						
GENERAL FUND - ST.	576,698	0	(6,414)	(6,414)	0	HOUSE ACTIONS:
GENERAL FUND - FED./LOC.	3,955,602	0	(8,857)	(8,857)	0	PERS ADJUSTMENTS, RENTAL REDUCTIONS, ETC.
MOTOR VEHICLE FUND - ST.	6,280,453	0	(91,710)	(91,710)	0	
MOTOR VEHICLE FUND - FED.	10,802,000	0	(365,543)	(365,543)	0	
TOTAL	21,614,753	0	(472,524)	(472,524)	0	
DEPARTMENT OF TRANSPORTATION						
MARINE DIVISION - PROGRAM W						
PUGET SOUND CAP. CONST. ACCT. - ST.	65,250,831	5,000,000	5,000,000	5,250,000	250,000	GOVERNOR ACTIONS: ADDS \$5 MILLION FOR SECOND DECKS ON TWO ISSAQUAH CLASS BOATS.
PUGET SOUND CAP CONST. ACCT. - FED.	8,500,000	0	0	0	0	
TOTAL	73,750,831	5,000,000	5,000,000	5,250,000	250,000	SENATE ACTIONS: ADDS \$250,000 FOR ANACORTES PARKING FACILITY
DEPARTMENT OF TRANSPORTATION						
MARINE DIVISION - PROGRAM X						
PUGET SOUND OPERATING ACCT.	45,896,956	0	0	(741,829)	(741,829)	SENATE ACTIONS:
FERRY SYSTEM FUND	107,092,897	0	0	(1,730,934)	(1,730,934)	\$2.5 M REDUCTION IN PERS
TOTAL	152,989,853	0	0	(2,472,763)	(2,472,763)	
OFFICE OF FINANCIAL MANAGEMENT						
GENERAL FUND-STATE	0	0	0	15,000	15,000	GOVERNOR ACTIONS: ADDS \$20,000 FOR EQUIPMENT STUDY
PUBLIC SAFETY ACCT	0	75,000	325,000	325,000	0	ADDS \$75,000 PSEA FOR PLAN TO RELOCATE
STATE PATROL HWY ACCT	0	15,000	15,000	0	(15,000)	CRMNL.JST.TRNG.CNTR.AT WSP ACDMY.
AERONAUTICS ACCT	0	5,000	5,000	5,000	0	
TOTAL	0	95,000	345,000	345,000	0	HOUSE ACTIONS: ADDS \$250,000 PSEA FOR TRAUMA STUDY
SENATE ACTIONS: \$15,000 SHIFT-ST.PAT.ACCT. TO GF-S						

FINAL VERSION
MARCH 9, 1988

1987-89 SUPPLEMENTAL TRANSPORTATION BUDGET
SHB 1701

AGENCY FUND	1987-89 FINAL BUDGET	GOVERNOR'S SUPPLEMENTAL	HOUSE VERSION	FINAL VERSION	DIFFERENCE FINAL VS. HOUSE	COMMENTS

STATE PATROL TACOMA HEADQUARTERS ST PATROL HWY ACCT	NA	900,000	900,000	0	(900,000)	GOVERNOR ACTIONS: ADDS \$900,000 FOR PROPERTY ACQUISITION
TOTAL	NA	900,000	900,000	0	(900,000)	SENATE ACTIONS: DELETES \$900,000 FOR TACOMA HEADQUARTERS

STATE PATROL OLYMPIA HEADQUARTERS ST PATROL HWY ACCT	7,500,000	0	(7,500,000)	(7,500,000)	0	HOUSE ACTIONS: DELETED HEADQUARTERS APPROPRIATION WILL BE FUNDED THRU CAPITAL CAMPUS FUND
TOTAL	7,500,000	0	(7,500,000)	(7,500,000)	0	

STATE PATROL ACADEMY DORM SPACE PUBLIC SAFETY EDUCATION ACCT.	NA	673,000	673,000	673,000	0	GOVERNOR ACTIONS: ADDS \$673,000 FOR ADDTL DORM SPACE
TOTAL	NA	673,000	673,000	673,000	0	

STATE PATROL DRIVER'S TRAINING COURSE PUBLIC SAFETY EDUCATION ACCT.	NA	1,107,000	1,107,000	1,107,000	0	GOVERNOR ACTIONS: ADDS \$1.1 MILLION TO COMPLETE DRIVERS TRAINING COURSE
TOTAL	NA	1,107,000	1,107,000	1,107,000	0	

STATE PATROL BELLEVUE-COMMUNICATIONS TOWER ST PATROL HWY ACCT	374,000	0	0	(374,000)	(374,000)	SENATE ACTIONS: ELIMINATES \$374,000 FOR BELLEVUE COMMUNICATIONS TOWER
TOTAL	374,000	0	0	(374,000)	(374,000)	

Background: The Washington State Sunset Act was adopted in 1977 as a means to improve legislative oversight of state agencies and programs. The sunset process (RCW 43.131) provides an automatic termination of selected state agencies, programs and statutes. One year prior to termination, program and fiscal reviews are conducted by the Legislative Budget Committee and the Office of Financial Management. The program reviews are intended to assist the Legislature in determining whether agencies and programs should be allowed to terminate automatically or be reauthorized by legislative action in either their current or a modified form prior to the termination date. This report also includes program terminations that do not have sunset reviews.

During the 1988 legislative session, HB 1531 was enacted. This law changes the sunset process by streamlining eight review criteria into four. In addition, LBC reviews will now include the possibility that the absence or modification of an activity would have no effect, a positive effect, or only a negative effect on the public. The Sunset Act itself was extended another ten years to June 30, 2000.

Session Summary: The Legislative Budget Committee submitted two performance audit reports to the Legislature in 1988. The reports covered the Veterans Affairs Department and Advisory Committee and the Washington Ambassador Program, both scheduled to terminate on June 30, 1988. In addition, legislation was enacted adding four programs to the sunset process, and extending the termination dates of eight programs. Another eight programs were given termination dates without the sunset review process.

**Programs with Sunset Dates Extended,
with Modifications**

Washington Ambassador Program SSB 6290 (C 35 L 88)
Senate Committee on Economic Development & Labor
House Committee on Trade & Economic Development
June 30, 1992

Modifications: The program is permitted to operate on a national basis; the level of the Department of Trade and Economic Development's background research and reference evaluation of proposed ambassadors is reduced; and new ambassadors are not required to receive a state flag upon appointment.

**Programs with Sunset Dates Extended without
Modifications (HB 1515, C 288 L 88 PV)**

Asian American Affairs Commission
June 30, 1996

Human Rights Commission
June 30, 1996

Career Executive Program
June 30, 1993

Nursing Home Advisory Council
June 30, 1991

Emergency Medical Services Committee
June 30, 1991

Center for International Trade in Forest Products
June 30, 1992

International Marketing Program for Agricultural
Commodities and Trade
June 30, 1992

Examining Board of Psychology
June 30, 1994

**Programs Terminated without Sunset Provisions
(SHB 1382, C 186 L 88)**

Ground Water Management Advisory Committee
June 30, 1998

State Development Loan Fund Committee
June 30, 1994
*Powers and duties to be transferred to the Director of
the Department of Community Development.*

Committee to Study Water Availability
in Columbia Basin Area
June 30, 1994

Natural Resources Recreation Advisory Committee
June 30, 1991

Land Bank Advisory Committee
June 30, 1988

Woodstove Advisory Committee
June 30, 1988

Employee Ownership Advisory Panel
June 30, 1993

Winter Recreation Commission
June 30, 1994

Sunset Legislation

Programs Removed from the Sunset Process (HB 1354, C 216 L 88)

Department of Veterans Affairs and Veterans Affairs
Advisory Committee
June 30, 1988 sunset date removed.

Newly Sunsetting (SHB 1382, C 186 L 88)

Migratory Waterfowl Art Committee
June 30, 1994

Public Works Board
June 30, 1993

State Economic Development Board
June 30, 1993

State Fire Protection Policy Board
June 30, 1996



Section II

Veto Messages



House Bills
Senate Bills

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STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 24, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute House Bill No. 752 entitled:

"AN ACT Relating to assault in the second degree."

This measure attempts to create a statutory definition of assault and adds a standard of liability for assault in the second degree.

There has been widespread agreement, since the enactment of the sentencing reform act, that assault statutes have needed redefinition. In 1986 and 1987, the Legislature enacted measures which would clarify sentencing directions for these crimes, and allowed review by delaying the effective dates of those acts until July of this year. Substitute House Bill No. 752 is a further attempt at clarifying these statutes.

I believe this measure fails to achieve the ends sought when the assault statutes were originally addressed. The definition contained in section 1 is unclear and eliminates a standard of assault that has been accepted throughout the criminal justice system. That is, mere contact, without the consent of the victim, can be construed as an assault irrespective of any bodily harm that may result. When the Sentencing Guidelines Commission convened a meeting of interested parties to address the problems evident in the assault statutes, all members agreed that an indepth, long-term review of the assault definition was needed. That discussion has not taken place and I urge all involved members to again pursue that course.

Veto Messages - House Bills

To the Honorable, the House
of Representatives of the
State of Washington
March 24, 1988
Page 2

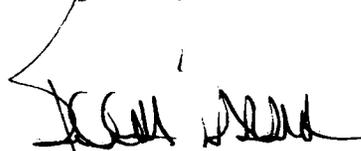
Section 2 of this act adds an element of culpability to the harm caused by an assault. Historically, an offender's intention has been an element in defining the seriousness of a criminal act. Our criminal justice system punishes persons who realize the consequences of their unlawful acts to a greater degree than those who act in ignorance. On the other hand, we should prohibit persons from preying on defenseless victims and then hiding their crimes behind a contrived veil of ignorance.

The standard of strict liability that will take effect on July of this year would provide greater penalties for those individuals who assault and harm children but claim that the resulting injury was foreseen. At the same time, there is a possibility that unintended actions will be prosecuted as second degree assaults where a truly regrettable and unforeseen circumstance results. The Legislature has decided that a "recklessness" standard of liability will offer protection against such unwarranted charges while still allowing for successful prosecution of truly assaultive persons.

I do not agree with this view, and continue to believe that we must do more to protect children who suffer abuse at the hands of adults. Although I am signing section 2 into law, I strongly urge the Legislature to consider measures next year that would provide for stricter liability in the case of children, or provide other charges under which these abusers can be appropriately prosecuted in cases where substantial bodily injury results. I believe the Sentencing Guidelines Commission can be the starting point for this discussion in the interim.

With the exception of section 1, Substitute House Bill No. 752 is approved.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 21, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 22, Substitute House Bill No. 1271 entitled:

"AN ACT Relating to the department of corrections."

Section 22 of this bill clarifies language relating to the tolling of sentences when offenders have absented themselves from supervision or are confined for violations of sentence conditions. Similar language is contained in Engrossed Substitute House Bill No. 1424, section 9, which establishes a program of community placement. The language of that bill is more comprehensive and includes elements of the newly authorized program. In order to avoid confusion, I have vetoed section 22 of this bill.

With the exception of section 22, Substitute House Bill No. 1271 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

OLYMPIA

98504-0413

BOOTH GARDNER
GOVERNOR

March 21, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute House Bill No. 1279 entitled:

"AN ACT Relating to financial and legal obligations for victims of crime."

Section 1 of this bill amends a subsection of RCW 9.94A.120 relating to payment schedules for monetary obligations of offenders. Similar language is contained in Engrossed Substitute House Bill No. 1424, section 2. In order to avoid confusion, I am vetoing section 1 of this measure.

With the exception of section 1, Substitute House Bill No. 1279 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 26, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 306(10) and a portion of section 401(5), Engrossed Substitute House Bill No. 1312 entitled:

"AN ACT Relating to fiscal matters."

Section 306(10) provides \$125,000 solely to develop a salmon and steelhead rehabilitation plan for the Stillaguamish River. In 1985, the Legislature directed the Department of Fisheries to develop comprehensive resource restoration and enhancement plans for watersheds throughout the state, including the Stillaguamish River. Efforts funded under this section would be duplicative of ongoing and completed efforts under that watershed planning program. Therefore, I am vetoing this section. By separate letter I will be asking the Department of Fisheries to return the appropriation to the General Fund.

The phrase "to establish a separate unit" on line 8, section 401(5), establishes a major crimes investigation unit within the Washington State Patrol for the purposes of developing a computerized database and record system for crime scene information and to provide investigative expertise and assistance to local law enforcement agencies. There is currently a study project being conducted by the Patrol which will assess the level of assistance and technical expertise that is appropriate for the Patrol to provide to local law enforcement agencies. Consequently, it is premature to establish a separate unit within the Patrol until the study and pilot project is completed. It should be noted that during the 1988 and 1987 legislative sessions, the Legislature did consider, but failed to enact, the legislation which would have created, in statute, a separate unit dedicated to major crimes investigation within the Patrol. My veto allows the Patrol funding to work on this project without the requirement of establishing a separate dedicated unit.

With the exception of section 306(10) and a portion of section 401(5), Engrossed Substitute House Bill No. 1312 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 23, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6 and 7,
Engrossed Substitute House Bill No. 1404, entitled:

"AN ACT Relating to nursing."

Sections 6 and 7 contain identical language to sections 1 and 2, Engrossed
Senate Bill No. 6119. To avoid confusion in the law, I have vetoed sections
6 and 7.

With the exception of sections 6 and 7, Engrossed Substitute House Bill
No. 1404 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 21, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 13, Engrossed Substitute House Bill No. 1424 entitled:

"AN ACT Relating to community placement."

Section 13 amends RCW 9.94A.330, the offender score matrix, to include an additional one point sentencing enhancement for offenders who commit crimes while on community placement. This same provision is amended by section 12 into RCW 9.94A.360 which establishes offender scoring procedures.

Substitute Senate Bill No. 6462, section 6, repeals RCW 9.94A.330. This measure is intended to clarify statutes relating to sentencing, and repeals the offender score matrix on the grounds that it is redundant and potentially confusing. I agree that this statute should be repealed for clarification purposes. Because the sentencing enhancement will be included in RCW 9.94A.360, there will be no effect on the substance of Engrossed Substitute House Bill No. 1424.

With the exception of section 13, Engrossed Substitute House Bill No. 1424 is approved.

Respectfully submitted,

Booth Gardner
Governor



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OLYMPIA

98504-0413

BOOTH GARDNER
GOVERNOR

March 21, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute House Bill No. 1429 entitled:

"AN ACT Relating to home detention under the sentencing reform act."

Section 1 of this bill contains legislative findings regarding population overcrowding in local jails. Reasons for these conditions have not been fully determined but are attributable to myriad causes and it is inappropriate to codify what appear to be only conclusions.

I support the use of home detention as an alternative, due to pressure of jail overcrowding. This bill contains reasonable provisions preventing the use of home detention for persons who committed violent crimes and other offenses where the court feels the public or victims would be at risk. I view this as an experiment worth trying.

With the exception of section 1, Substitute House Bill No. 1429 is approved.

Respectfully submitted,

Booth Gardner
Governor



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98504-0413

BOOTH GARDNER
GOVERNOR

March 24, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 17(1) through (4) Substitute House Bill No. 1465, entitled:

"AN ACT Relating to child support."

Substitute House Bill No. 1465 establishes a statewide schedule for determining child support payments. This legislation is in the best interest of children, for it will result in support payments which more closely reflect the cost of raising children.

A veto of section 17(1) through (4), will retain language adopted in 1987 at the request of the Department of Social and Health Services and upon the recommendation of the Governor's Executive Task Force on Support Enforcement. It makes access to court easier for correcting unintended and unforeseen inequities in child support orders. This section was included in the legislation based on a fear that improved access to the courts would result in an unmanageable increase in the number of actions brought to the court. The Office of the Administrator for the Courts has determined that this increase has not occurred in Washington to date or in other states which have had similar laws for a longer time.

With the exception of section 17(1) through (4), Substitute House Bill No. 1465 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON

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OLYMPIA

98504-0413

BOOTH GARDNER
GOVERNOR

March 24, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 7(4) and 10(3), Engrossed Substitute House Bill No. 1530 entitled:

"AN ACT Relating to nursing assistants."

Section 7(4) and section 16 both give authority to determine which states have credentialing requirements equivalent to those in this state, and to issue certificates, by endorsement without examination, to those individuals credentialed in those states. Section 7(4) gives this authority to the Board of Nursing and section 16 gives this authority to the Department of Licensing.

Section 10(3) and section 14 both give authority to determine what constitutes adequate proof of meeting the criteria for certification. Section 10(3) gives this authority to the Board of Nursing and section 14 gives this authority to the Department of Licensing.

Giving similar authority to two separate regulatory entities will result in confusion. Since these functions are primarily administrative in nature and the department has all other administrative functions, I am vetoing the sections which give these authorities to the Board of Nursing.

With the exception of section 7(4) and 10(3), Engrossed Substitute House Bill No. 1530 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 23, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, House Bill
No. 1585, entitled:

"AN ACT Relating to juvenile dependency proceedings."

This legislation requires that all children in contested dependency
proceedings have a court-appointed guardian ad litem or attorney. In
uncontested hearings, the court would have discretion in making such an
appointment.

The effort to make the dependency and the child abuse and neglect statutes
similar to each other in this regard would put the state out of compliance
with federal requirements under the Child Abuse Prevention and Treatment
Act. The result will be to disqualify the state from eligibility to receive
federal funds under the act. Therefore, a veto of this section is necessary
to assure continued receipt of federal funds for child abuse and neglect
prevention. Return of the child abuse and neglect statute to its original
status still ensures that all children in contested dependency proceedings
have a court-appointed guardian ad litem or attorney.

With the exception of section 2, House Bill No. 1585 is approved.

Respectfully submitted,

Booth Gardner
Governor



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98504-0413

BOOTH GARDNER
GOVERNOR

March 24, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 9, 14, and 17, Substitute House Bill No. 1592 entitled:

"AN ACT Relating to industrial insurance benefits for occupational diseases."

Section 3 of this bill is similar to, and serves the same purpose as, section 5 of Engrossed House Bill No. 1396, which I have signed into law. To avoid confusion, I have vetoed section 3.

Section 9 would mandate weekly safety meetings for asbestos projects. There is no flexibility for projects that might deserve more frequent or less frequent meetings. Requirements established by rule can better address the variety of different situations that would necessitate meetings. I am directing the Department of Labor and Industries to establish appropriate requirements through its rule-making authority. For this reason, I have vetoed section 9.

Section 14 would require the owners of all buildings and facilities public or private to inventory their property to identify all materials containing asbestos. Records of this inventory would have to be maintained and made available for inspection by the Department of Labor and Industries and other parties.

These inventories may be of value to companies. I would encourage the state's employers to undertake such surveys. The section is so broadly worded, however, that it is unworkable. The bill would technically require every citizen of the state who owns a building to conduct an inventory. It is not reasonable to expect homeowners to conduct an inventory in order that it be available whenever they plan remodeling or other work on their house. I feel that section 14 would create difficulties for individuals that it was not intended to affect.

To the Honorable, the House
of Representatives of the
State of Washington
March 24, 1988
Page 2

I am asking the Department of Labor and Industries to review the issue and to suggest appropriate requirements for asbestos inventories. For these reasons, I have vetoed section 14.

Section 17 would require workers who are currently certified for a two-year period to be recertified after only one year. I do not feel that this is necessary, since these individuals will begin annual recertification when their current certification expires. Therefore, I have vetoed section 17.

With the exception of sections 3, 9, 14, and 17, Substitute House Bill No. 1592 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Booth Gardner", written over a faint rectangular box.

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 24, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Substitute House Bill No. 1652, entitled:

"AN ACT Relating to investment of public funds."

Section 8 of Substitute House Bill No. 1652 would amend existing law to allow public transportation benefit area authorities to appoint their own treasurers, without prior approval of the county treasurer. Under current law, the county treasurer must approve such an appointment.

I understand that the problem giving rise to this amendment has been resolved, and that there is no statewide concern about the existing approval requirement. Indeed, county treasurers have in most instances granted this authority when asked. In those instances where the authority to appoint a treasurer has been denied, there were reportedly good operational reasons for the denial. As operations improved, authorities were granted the power to hire their own treasurers. The current system seems to work.

Further, from a public policy perspective, it makes sense for the chief financial officer of a county, who is an elected official directly accountable to the citizens, to exercise some control over the appointment of those individuals who will be managing and investing public funds.

With the exception of section 8, Substitute House Bill No. 1652 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 15, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute House Bill No. 1672 entitled:

"AN ACT Relating to identification of trucks."

Section 1, if signed, would place an additional burden on owners of trucks. All trucks and truck-trailer combinations weighing over 26,000 lbs. would be required to display identification in four-inch high letters. This includes recreational and farm trucks. Currently, non-farm commercial trucks display identification in two- to three-inch high letters. These trucks would be required to remove or paint over existing identification to display the larger letters. This is an unnecessary regulatory burden on owners of recreational, farm and commercial vehicles. The larger numbers are not needed for law enforcement officers to do their jobs.

With the exception of section 1, Substitute House Bill No. 1672 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

March 24, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 2(2),
Substitute House Bill No. 1673 entitled:

"AN ACT Relating to an office of mobile home affairs."

Substitute House Bill No. 1673 establishes an office of mobile home affairs within the Department of Community Development to coordinate state services related to mobile homes and to provide an ombudsman service. The office is to be supported through a fee on mobile home lots within mobile home parks. A new advisory committee on mobile home and manufactured housing affairs is created. Finally, mobile home park owners who wish to be licensed as mobile home dealers are exempted from certain licensing requirements.

I agree that a point of coordination in state government for mobile home and manufactured housing issues is needed. In light of the limited state resources available to support new programs, I am pleased to see that the potential clients of this service have agreed to support the office through an annual user fee. Last year, the Department of Community Development began collecting information on mobile home issues and providing technical assistance to mobile home park tenants and park owners. Establishment of an office to coordinate these activities is a logical next step.

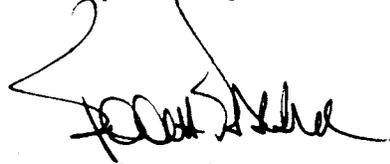
Section 2(2) would establish a narrowly-focused advisory committee in statute. Boards, commissions, committees, task forces and similar entities have proliferated in this state, and now number over 400. The director of the Department of Community Development has authority to create ad hoc advisory committees as the need arises. This authority makes it unnecessary to create advisory committees in statute.

To the Honorable, the House
of Representatives of the
State of Washington
March 24, 1988
Page 2

Section 1 amends the Unfair Motor Vehicle Business Practices Act to exempt mobile home park owners from certain dealer licensing requirements. I am vetoing this section because I support the consumer protection provisions included in the law and required of all dealers. Existing law allows the director of the Department of Licensing to waive place of business requirements if this is warranted. In addition, mobile home park owners are able to sell up to five units each year without applying for a dealer license. This should provide enough flexibility for park owners to continue to provide this invaluable assistance to tenants. Finally, in approving this language, the Legislature has not indicated the reasons one group of dealers should be treated differently from others. Failure to outline this distinction creates the basis for a legal challenge.

With the exception of sections 1 and 2(2), Substitute House Bill No. 1673 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Booth Gardner", written over a large, stylized number "2".

Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

March 24, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 26, Engrossed Substitute House Bill No. 1701 entitled:

"AN ACT Relating to transportation appropriations."

This section creates a committee to study the state motor vehicle excise tax. The same provision was included in Substitute Senate Bill No. 6376, section 2, with the exception that the senate bill included an appropriate sunset date for the committee. I am vetoing this section in order to provide for clarity in the record and to avoid duplicative provisions in the statute.

With the exception of section 26, Engrossed Substitute House Bill No. 1701 is approved.

Respectfully submitted,

Booth Gardner
Governor



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GOVERNOR

March 23, 1988

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 22(5), Engrossed House Bill No. 2057 entitled:

"AN ACT Relating to public facilities."

With the exception of section 22(5), I fully endorse House Bill No. 2057. The principal objectives of sections 1 through 10 of this bill (originally an executive request) relate to the Washington State Convention and Trade Center now under construction in Seattle. Substantive changes have been enacted to current law modifying its provisions on facility design, state bond financing and the state-imposed hotel tax supporting the construction and operation of the Center. These changes are clearly in the best interest of the state, and credit must be given to the Joint Legislative Committee which recommended their adoption after careful study.

Sections 11 through 19 of this bill provide for the creation of a public facilities taxing district encompassing Spokane County for the purpose of siting, constructing and financing public assembly facilities that will meet the needs of the local community. This is a unique and resourceful approach in which the state is providing a significant new local tool to help a community to meet its needs. I fully support this approach where appropriate.

Similarly, sections 20, 21, 24 and 25 of the bill authorize certain communities to levy a local option hotel tax to fund tourism-related public facilities, and to pledge revenues from the tax to retire financial obligations incurred to fund such public facilities. I also support these provisions.

A third part of the bill, section 22, is another local option taxing authority provided to Pierce County expressly for the purpose of constructing and operating an indoor aquatic facility, and to Thurston County solely for the purpose of constructing and operating an Olympic academy facility. These are both worthwhile projects.

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March 23, 1988
Page 2

However, section 22(5) would restrict Pierce County from including specific recreation-scale aquatic features in its proposed competition pool facility. This sets an inappropriate state restriction on the ability of Pierce County to responsibly plan, construct, finance and operate the aquatic facility that is expressly authorized in the other subsections of section 22. Proponents of this restriction claim the proposed public aquatic facility will have a potentially negative impact on a commercial aquatic attraction operating in the area. Opponents of this restriction point out that the modest aquatic recreation features being planned as part of the project are necessary for attracting the level of community patronage required for a fiscally responsible operation and pose no competitive threat to commercial enterprises. Further, backers of the Pierce County pool have stated that there are no plans for developing any additional commercial-scale features for the proposed aquatic complex.

The issue here is one of possible unfair public sector competition with private sector activities, and it has been debated widely in the Pierce County community and before the Legislature. From this debate, and my own review of this issue, I have concluded this restriction is inappropriate, and I am vetoing subsection 5 for the following reasons:

1. Assurances on the record from the Park District and the City of Tacoma state that the proposed project will not include commercial-scale aquatic attractions which would compete with the private sector.
2. Retaining this provision would unduly hamper Pierce County's ability to develop a facility that is versatile enough to accommodate high level competitive aquatic sports, as well as general community use.
3. Subsection 5 is inconsistent with the purpose of the local option approach, which provides for the discussion and resolution of this and other issues connected with the proposed project at the local community level rather than through pre-emption by state law.
4. Subsection 5 is also overly broad, in that its language refers to all taxes levied and collected under this entire act rather than just section 22.

Accordingly, with the exception of section 22(5), House Bill No. 2057 is approved.

Respectfully submitted,



Booth Gardner
Governor



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GOVERNOR

March 22, 1988

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 57 and 85, Senate Bill No. 5016, entitled:

"AN ACT Relating to modifications of terminology resulting from the Rules of Appellate Procedure."

Sections 57 and 85 make technical corrections to existing laws which are repealed by other legislation which I have signed. I am vetoing section 57 because it would amend a section of existing law (RCW 72.33.240) that is repealed by Engrossed Substitute House Bill No. 1618, section 1007(24). I am vetoing section 85 because it would amend a section of existing law (RCW 87.03.410) that is repealed by Substitute House Bill No. 1297, section 15(20).

With the exception of sections 57 and 85, the remainder of Senate Bill No. 5016 is approved.

Respectfully submitted,

Booth Gardner
Governor

Veto Messages - Senate Bills



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GOVERNOR

March 24, 1988

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6024 entitled:

"AN ACT Relating to rivers and streams in agricultural areas."

At this time, counties throughout the state are developing flood control management plans that will provide a comprehensive review of flood control issues. Section 4, however, includes a finding that the accumulation of sand and gravel in the state's river and stream beds substantially increases the risks of disastrous floods. Although sand and gravel removal are expected to be elements of these plans, other more environmentally sensitive methods should be encouraged and studied before the state begins implementing a response.

With the exception of section 4, Substitute Senate Bill No. 6024 is approved.

Respectfully submitted,

Booth Gardner
Governor



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GOVERNOR

March 24, 1988

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 9 and 10,
Engrossed Second Substitute Senate Bill No. 6235, entitled:

"AN ACT Relating to allowing the State of Washington
to receive capitalization grants from the federal government
for the state revolving loan fund for financing water pollution
control facilities and activities."

This bill would establish the water pollution control revolving fund to
receive federal capitalization grants, state matching funds and other
revenues. This fund would protect the state's surface and underground waters
by providing loans to design, construct and improve water pollution control
facilities and related activities.

Section 9 would create the water pollution control loan review committee to
approve all loans prior to issuance. Technical and administrative criteria
for evaluating loan applications are clearly spelled out in federal
regulation. Creation of this committee places the Legislature in an
administrative role and creates the possibility that loans will be evaluated
on criteria other than technical merit. Finally, review of loan applications
by the committee could result in slowing down the process. This will reduce
local governments' certainty that multi-year construction projects will
continue to receive funds.

Section 10 requires the Department of Ecology to follow the water quality
account fund distribution schedule as established in RCW 70.146.060 when
making loans through the revolving fund. Again, since this fund is utilizing
federal moneys, federal law takes precedence in determining eligible
projects. This section causes confusion by implying that the state's
distribution schedule will be followed.

Veto Messages - Senate Bills

To the Honorable, the Senate
of the State of Washington
March 24, 1988
Page 2

The water pollution control revolving fund is an important revenue source for financing continued protection of the state's waters for the health, safety, use, enjoyment, and economic benefit of its people.

With the exception of sections 9 and 10, Engrossed Second Substitute Senate Bill No. 6235 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Booth Gardner", written over a horizontal line.

Booth Gardner
Governor



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GOVERNOR

March 24, 1988

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to the last paragraph of section 1, Substitute Senate Bill No. 6238, entitled:

"AN ACT Relating to the authority to administer selected federal safe drinking water act programs."

The first part of this Department of Ecology request bill authorizes the Departments of Ecology, Natural Resources, and Social and Health Services and the Gas Conservation Committee to carry out programs of the Federal Safe Drinking Water Act as amended in 1986.

The amendment added to the bill allows the State Board of Health to adopt drinking water regulations for systems not covered under federal law "if necessary" to protect the public health. Narrowly interpreted, this language could result in the state's inability to regulate certain drinking water supply practices. The difficulty in establishing a direct cause-and-effect relationship between each specific practice and larger public health concerns will make it difficult for the State Board of Health to prove that regulations are necessary to protect the public health. With over 5,000 small public water systems in our state not covered by the federal act, I am reluctant to significantly reduce the health regulatory authority and subject the department to legal challenges to prove the public health nexus for each system in court. I would hope motivation for this amendment could be resolved administratively or through legislative language which addresses the specific issue.

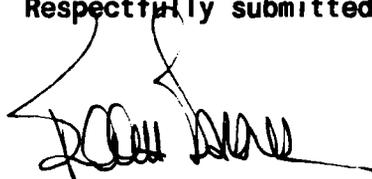
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To the Honorable, the Senate
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March 24, 1988
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I believe the agency has the discretion to adopt appropriate regulations for systems not under federal jurisdiction and is not required to implement the federal regulations unless it independently determines the standards are appropriate for the small systems.

With the exception of the last paragraph of section 1, Substitute Senate Bill No. 6238 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Booth Gardner", written over a large, stylized outline of the state of Washington.

Booth Gardner
Governor



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GOVERNOR

March 24, 1988

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2(a) through (e) and (g) through (j), Engrossed Substitute Senate Bill No. 6316 entitled:

"AN ACT Relating to the forfeiture of real property from the commercial sale or production of controlled substances and imitation controlled substances where a substantial nexus exists between the commercial production or sale of the substance and the real property and providing for the redistribution of proceeds from the sale of forfeited property."

The concept and consensus behind this bill was to provide law enforcement officials with an additional tool for seizing some of the financial booty invested in "real property" (land and buildings) which was acquired by illegal drug dealers as a result of, or to further, their activities. Examples might be houses used to grow marijuana products in substantial amounts or amphetamine manufacturing operations. Currently, the immense profits which can be realized from these illegal drug activities are so substantial that they overshadow the risk of apprehension and a prison term. The intention was to attach and forfeit some of the "real property" fruits of this illegal activity in the hope of removing some of the financial benefit.

Law enforcement officials currently have the statutory authority to seize "personal property" which is connected and used in illegal drug trafficking. The goal was to extend this same concept to "real property".

The language which is presented to me in this bill has, after its passage and upon thorough review, received rejection from the law enforcement community. Their analysis is that the bill, because of shifting the burden of proof and a number of other changes which were incorporated both for the existing

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March 24, 1988
Page 2

"personal property" provisions and for the new "real property" provisions, would provide a net loss, rather than a gain, in their efforts to seize property related to illegal drug transactions. Specifically, the law enforcement community has indicated that the new law would effectively hinder their ability to seize personal property under existing statutes as well as making it impossible to seize "real property" except in rare cases.

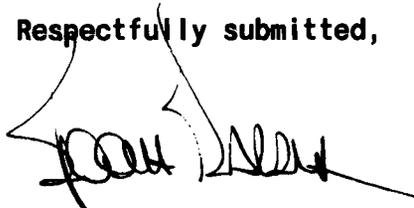
I would encourage the Legislature and the law enforcement community to work together in the next session to again review this issue and attempt to pass a law which allows law enforcement to continue under existing law for the "personal property" forfeitures while adding new separate provisions for "real property" forfeitures.

It is appropriate to consider different safeguards and procedures for "real property" interests than for "personal property" interests. I believe law enforcement should have the burden of showing that the individuals were engaged in illegal drug transactions and that the property was related to the transactions. However, the individuals involved should have the burden of showing that they are the lawful owners of the property used in any manner to facilitate the illegal drug transaction. Given the large amounts of cash money involved and criminal necessity of hiding the fruits of their illegal activity, it is an unrealistic burden on law enforcement to prove more than the fact that individuals were criminally involved and that the property was used or acquired by those illegal means.

I have not vetoed the sections related to changing the distribution of funds received for personal property which is forfeited. This part of the bill is contained in section 2(f).

With the exception of sections 1, 2(a) through (e) and (g) through (j), Engrossed Substitute Senate Bill No. 6316 is approved.

Respectfully submitted,



Booth Gardner
Governor



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GOVERNOR

March 21, 1988

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6354, entitled:

"AN ACT Relating to the definition of wages for industrial
insurance purposes."

This bill requires that tips be included in the definition of wages for industrial insurance purposes. Similar language achieving the same result is included in section 12 of Engrossed House Bill No. 1396, which I am signing into law today. To avoid conflict between these two provisions and to minimize confusion in state statute, I have vetoed Senate Bill No. 6354.

Respectfully submitted,

Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

March 18, 1988

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 80, Senate Bill 6370, entitled:

"AN ACT Relating to obsolete references involving state agencies."

Section 80 reenacts RCW 90.22.010, which was amended by both Chapter 109 and Chapter 506, Laws of 1987, without reference to each other. This same statute is amended and re-enacted by Section 6 of Engrossed Second Substitute Senate Bill 6724, which I have signed into law. In order to avoid further confusion, I am vetoing section 80.

With the exception of section 80, Senate Bill 6370 is approved.

Respectfully submitted,

Booth Gardner
Governor



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GOVERNOR

March 24, 1988

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6397 entitled:

"AN ACT Relating to forest fires."

Section 1 of this bill establishes a priority for the Department of Natural Resources to extinguish forest fires before determining if individuals or structures are at risk in neighboring properties. This is similar to language vetoed by me after the 1987 regular legislative session.

At that time, I stated that the direction this language gives to the department is confusing and inconsistent with the normal value we place on human life. I continue to believe this.

The remainder of this measure allows the department to clarify its duties with respect to fighting fires in conjunction with the services provided by rural fire districts. Section 2 states, in part, that "the department's primary mission is to protect forest land and to suppress forest fires." This policy statement offers the department greater flexibility when fighting a fire while providing a general direction for action.

With the exception of section 1, Senate Bill No. 6397 is approved.

Respectfully submitted,

Booth Gardner
Governor



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GOVERNOR

March 21, 1988

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6438 entitled:

"AN ACT Relating to authorization for the utilities and transportation commission to approve tariffs for gas and electrical companies that include banded rates."

Substitute Senate Bill No. 6438, if signed, would result in an identical double amendment. This bill is identical to Engrossed House Bill No. 1581, which I am signing into law today. I have therefore vetoed Substitute Senate Bill No. 6438 to avoid duplication and confusion in statute.

Respectfully submitted

Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

March 25, 1988

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 6447, entitled:

"AN ACT Relating to custodial interference."

This legislation would amend criminal provisions relating to custodial interference to include interference with visitation rights. I believe non-custodial parents deserve fair treatment when their visitation rights are abused or denied. I am sensitive, however, to those who believe that involving the police in settling non-violent visitation disputes is not the best approach. Police experience has shown that disputes over dates, times and conditions of child visitation are so common that any effort on behalf of the police to respond to calls of assistance in such disputes would very seriously reduce the ability of police and sheriff departments to respond to other calls. Police should intervene only when there are threats to the physical well-being of persons.

The four-hour grace period, allowed before police may intervene, is thought to account for the routine problems and delays that are common in family life. On the other hand, this grace period is likely to become a tool for harassment. Since non-custodial parents have less time with the children, the misuse of the four-hour period is likely to have a greater impact on them. More importantly, children are the ones who will be caught in the middle.

In January 1988, the Parenting Act was implemented (RCW 26.09.181 - 26.09.280). This Act provides an alternative dispute resolution process to settle disagreements over visitation. The dispute resolution process has not had enough time to prove it can have a positive effect on reducing parental conflicts. In addition, the new Act does not use the terms "custodial parent" or parent with "visitation rights," rather it speaks in terms of parenting plans and residential parents. The use of the new terms and their concepts are at odds with this bill.

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To the Honorable, the Senate
of the State of Washington
March 25, 1988
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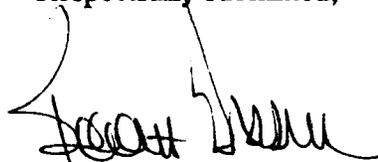
Nonetheless, a problem does exist. It results from human emotions and behavior, we all wish were easily dealt with. The courts do have the ability to deal with custodial/visitation conflicts through their civil contempt authority. A bill was introduced in the 1988 Legislative session which would have clarified and improved the ability of judges to cite people for contempt; unfortunately, it did not pass. It should be considered in next year's session as a step in addressing this issue.

This bill has other technical application problems in that many dissolution decrees do not specify exact hours and dates of visitation rights. The decree may say "reasonable visitation" or "every other weekend and every other holiday," but most do not specify when you start counting the holidays or weekends nor account for people who agree to skip days or readjust the schedule for conflicts. Even the few decrees which specify detailed terms, i.e. times of the day, week, place for exchange of the children, have difficulty in responding to the need for flexibility. The actual practice of the parties may be different from the written language. The Parenting Act attempts to set up means for resolving and adjusting to the changing circumstances of people's lives, along with specificity of time, date and places of the children's residence. These are all civil laws.

This bill is a criminal statute. We require different standards before the police and courts will arrest and charge crimes. The criminal law will be difficult to apply here. Law enforcement and the courts/juries will be unable to determine if an offense has occurred under the standards required of the criminal law, unless the decree is extremely inflexible. This approach is at odds with the philosophy of the Parenting Act which works to encourage cooperation and resolution, but with flexibility for changes, plus recourse to mediate when the parents are unable to agree. This bill, if signed, becomes criminal law. It commits the wrong resources and may hurt children more than help them.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 6447.

Respectfully submitted,



Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

March 24, 1988

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Senate Bill No. 6480 entitled:

"AN ACT Relating to obstructing the taking of fish or wildlife."

This measure creates the crime of obstructing the taking of wildlife and provides penalties. In addition, section 4 includes this new crime under the current provisions of chapter 9A.46 RCW.

Chapter 9A.46 RCW is aimed at making unlawful the invasion of a person's privacy through repeated acts and threats intended to harass that individual. The statute also allows for enjoining such activities. Because section 2 of Senate Bill No. 6480 also allows for enjoining violations, reference to chapter 9A.46 RCW is redundant and clouds the purposes of that act.

With the exception of section 4, Senate Bill No. 6480 is approved.

Respectfully submitted,

Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

March 26, 1988

To the Honorable, the Senate of
the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 406, Engrossed Substitute Senate Bill No. 6763, entitled:

"AN ACT Relating to capital projects."

Section 406, Page 15, Superintendent of Public Instruction

This section provides funds for capital planning and transition purposes for Nine Mile Falls School District. The citizens of the school district have already provided levy money to be used in combination with state matching funds to cover the capital costs for constructing a new school. I have previously indicated my position on this issue, see my partial veto of section 412, page 43 of ReEngrossed Substitute House Bill No. 327, Chapter 6, Laws of Washington, 1987, 1st Special Session. However, in light of this new legislation, I have had the issue reviewed again. The issue has been discussed with the local Education Services District, the Office of the Superintendent of Public Instruction, Nine Mile Falls School District and others. I cannot find sufficient additional justification to cause me to view this policy issue differently and provide this enhanced state funding.

With the exception of section 406, Engrossed Substitute Senate Bill No. 6763 is approved.

Respectfully submitted,

Booth Gardner
Governor



Section III

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136		Public land/auction sales	SHB 1562
137		Prosser well DOE/WSU	SSB 6217
138		Interstate trip zone	SSB 6255
139		Contractor bonds/securities	SSB 6357
140		Apprentices assumed wages	SB 6396
141		Moral nuisance/definition	SHB 692
142	f	Abuse-neglect reporting	SHB 608
143	PV	DOC/revising provisions	SHB 1271
144		Sexual child abuse S/L	SSB 6305
145	f	Sexual offenses/revising	SHB 1333
146		Sex offenses/develop disabld	SHB 1302
147		Precursor drugs/regs	SHB 1377
148	f	MV license susp/drug-alcohol	HB 1482
149	f	DOC/employee assault benefit	HB 1272
150		Drug activities/rentals	SHB 1445
151	f	Custodial assault crime	HB 1280
152		Criminal justice information	SHB 1419
153	PV	Community custody/provisions	SHB 1424
154	PV	Home detention	SHB 1429
155	PV	Offenders/financial obligtns	SHB 1279
156	f	Indigent/counsel for	SSB 6498

Session Law to Bill Number Table

Chapter No.	Title	Bill No.
157	Sentencing corrections	SSB 6462
158	Substantial bodily harm	SSB 6147
159	\$ Camping clubs/regs	SHB 791
160	Liquor licensees/minors	HB 1292
161	f Industrial insurance benefit	HB 1396
162	Water-sewer dists/prvsns	SHB 1511
163	f Alcoholism & drug treatment	2SHB 1565
164	LEOFF retirement boards	SSB 6212
165	f Public works board projects	HB 1710
166	f Gas-electric servcs/tariffs	HB 1581
167	Transp improvemnt brd/create	SHB 1857
168	Notice of actions/publishing	SHB 1317
169	Court actions/cost	SHB 1617
170	f Self-employment for families	HB 1836
171	\$f Infectious wastes	SSB 6264
172	Sign lang/sch/foreign lang	SSB 6452
173	Phenylketonuria	SSB 6433
174	f Early childhood educ asst	SSB 6181
175	\$ Recovered mat/purchasing	SSB 6446
176	f Developmntal disabil servces	SHB 1618
177	Waste reduction/office of	SHB 1340
178	Escrow/regulating	SHB 1369
179	Transp improvements/funding	SHB 1817
180	f Trench excavations	SSB 6670
181	f Write-in voting/procedures	HB 1341
182	Contractor disclosure	SSB 6435
183	\$ Trauma care systm/study cmte	2SHB 1713
184	f Solid waste management	SHB 1684
185	Physical therapy	SSB 6218
186	f Sunset review/terminatn date	SHB 1382
187	School dirctr/term of office	SHB 1745
188	Jury selection & summoning	SHB 1460
189	f Child abuse/vict placment	SSB 6207
190	f Offender removed from home	SB 6705
191	Ferry operations/MV tax	SSB 6376
192	Homestead exmption/provision	SHB 1329
193	Alcoholism treatment program	SHB 1383
194	Dependency proceedings/rules	SHB 1586
195	Pension portability provsns	HB 1649
196	Mayor pro tem/provisions	HB 1833
197	f Poisons	SB 6260
198	f Explosives	SSB 6530
199	Political ads/prhbt false	SHB 657
200	f Liquor licenses/fees	SHB 1295
201	Dependency proceedings	HB 1588
202 PV	Appellate procedure terms	SB 5016
203	Adoption consent	SSB 6219
204	Energy code	SB 6408
205	f Real estate continuing ed	SSB 6474
206	\$f Sexually trans diseases	2SSB 6221
207	\$f Rural hospital assistance	SSB 6124
208	f Nursing home/invest allow	SSB 6437

Chapter No.	Title	Bill No.
209	Communicatn sites/state land	HB 1346
210	Private college grants	SSB 5558
211 PV	Nurses licensure	SHB 1404
212	f LPN licensure	SB 6119
213	\$f State child care policy	SSB 6118
214	Salmon production 100%	SB 6647
215	\$f Underground storage tanks	SSB 6741
216	Veteran affairs dept/sunset	HB 1354
217	f Anesthesia use/dental board	HB 668
218	Livestock theft	SB 6608
219	Concealed pistols	SSB 6148
220	f Water pollutn agncy/authorhty	HB 1325
221	f Nursing homes/depreciation	SB 6519
222	f Taxes/administrative provsions	SHB 1754
223	Pistol licenses/revoking	SHB 1845
224	Logging interference	SSB 6195
225	Corporate takeovers/provsns	SHB 1729
226	Unclaimed prop/museums	SSB 6332
227	\$ Motorcycle skills program	SHB 1660
228	PUD/customer billings	SSB 6342
229	Legal loads/border areas	HB 1884
230	\$f Wild mushrooms	SSB 6240
231	Judgments/enforcement	SHB 1368
232 PV	Juvenile dependncy proceedng	HB 1585
233	Improvemnt projs/bids-wages	SHB 1633
234	f Juven crt training	SSB 6308
235	Port district contracts	SSB 6419
236	f Leave standards/family care	SHB 1319
237	\$f Housing deposits/homeless	HB 1387
238	\$f Food & shelter program/acct	SHB 1389
239	Manufcturd homes/need review	SHB 1690
240	Self-storage liens	SSB 5595
241	SPI evaluation standards	HB 1695
242	Nursing studen scholarship	SB 6638
243	f Nursing pools/registration	SHB 1783
244	Debenture companies	SHB 1525
245	\$f Home for ill/disabled/infirm	SB 6271
246	Naturopathic manipulation	SB 6523
247	\$f Health profess substan abuse	SSB 6470
248	Insurance provisions	2SHB 318
249	Insurance policies/renewals	SHB 1320
250	f Tires/management waste	SB 6720
251	Excellence in educatn progrm	SHB 1568
252	School district levy bases	SHB 1915
253	f Fed conserv reserve program	SSB 6512
254	Agri revisions	SSB 6344
255	St bd of education/voting	SSB 5333
256	Student learning objectives	SSB 6157
257	Vinifera growers' assoc	SSB 6178
258	Aquifer protection	SSB 6266
259	Dental care plan alternative	SSB 6631
260	Armed force ship populations	SB 6641

Session Law to Bill Number Table

Chapter No.	Title	Bill No.
261	Excise tax distrib/watrcraft	SHB 46
262	Hospitals rate review	HB 1951
263	\$f St firearm range committee	SSB 6486
264	f Rental paymnts/public assist	SHB 932
265 PV	Obstructing taking game	SB 6480
266 PV	2nd degree assault/define	SHB 752
267 PV	\$f Nursing assts/certs & regs	SHB 1530
268	\$ Sch dists/cooperative agree	2SSB 5720
269	Retire calculation co emply	SSB 6466
270	f Construction liens	SSB 6569
271 PV	f Workers comp/asbestos	SHB 1592
272 PV	f Agri hydraulic projects	SSB 6024
273 PV	f Forest fires	SB 6397
274	f Property taxes/provisions	SHB 1420
275 PV	\$f Child support schedule	SHB 1465
276	\$f Prenatal test labs	2SSB 5378
277	\$f Dietitians/nutritionists	SSB 5669
278	\$f Parenting skills programs	SSB 6115
279 PV	Drinking water auth	SSB 6238
280 PV	f Mobile home affairs/office of	SHB 1673
281 PV	Public funds investment	SHB 1652
282 PV	f Drug cases assets	SSB 6316
283 PV	Budget/transp supplemental	SHB 1701
284 PV	\$f Water pollution acct	2SSB 6235
285	Contractor registration	SB 6182
286	f Housing trust funds	SB 6671
287 PV	Vehicle dealers regulations	SHB 1883
288 PV	f State agncies/terminatn date	HB 1515
289 PV	\$ Budget/supplemental operatng	SHB 1312

FIRST SPECIAL SESSION - 1988

1 PV E1 \$	Public facilities/providing	HB 2057
2 PV E1 \$	Sch const/cap proj/WSU	SSB 6763

SECOND SPECIAL SESSION - 1987

1 E2 \$	Nursng home emplyes/min wage	HB 1260
2 E2 \$	Chore services/funds	HB 1261
3 E2	B&O tax modified	SB 6078
4 E2	Corporate acquisitions	SB 6084

THIRD SPECIAL SESSION - 1987

1 E3 \$	Teachers/salary increases	HB 1264
2 E3 \$	Hazardous sub/public protect	SB 6085

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Department of Information Services

Nancy Abraham, Director

Department of Labor and Industries

Joseph A. Dear, Director

Military Department

Keith M. Eggen, Adjutant General

Department of Veterans Affairs

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Garold LaBorde

John F. Naddy, III

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Marjorie Trevarthen

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Lawrence E. Sanford

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Vivian Winston

Judith Wiseman

Higher Education Facilities Authority

Delores E. Teutsch

Higher Education Personnel Board

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Dr. Evelyn Carlson Kest

Big Bend Community College District No. 18

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Earlyse A. Swift

Clark Community College District No. 14

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David P. Yang

Columbia Basin Community College District No. 19

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Everett Community College District No. 5

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Highline Community College District No. 9

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Olympic Community College District No. 3

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Seattle Community College District No. 6

Phyllis G. Kenney

Shoreline Community College District No. 7

Cherry L. Jarvis

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Wenatchee Valley Community College District No. 15

Grace L. Lynch

Howard Pryor

Whatcom Community College District No. 21

Anna-Greta Boice

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Nat Washington

1988 Regular Session of the Fiftieth Legislature

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